

In-Custody Death Investigation
Joel Almazo Avalos

Valley Independent Investigation Team,
Renton Police Department #24-10088



King County Prosecuting Attorney
Public Integrity Team

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I. INTRODUCTION

On September 18, 2024, Federal Way Police Department (FWPD) officers observed Joel Almazo Avalos (Joel or Subject) walking into traffic on Pacific Highway S. in Federal Way, posing a danger to himself and others. Officers noticed that he had a bloody nose. The Subject was also observed vomiting behind one officer's patrol vehicle. Officers determined that he met Involuntary Treatment Act criteria because he was unable to care for his basic needs. He was detained and transferred by Tri-Med ambulance to St. Francis Hospital where he was found to have a subdural hematoma.

The Subject gave varying and contradictory accounts of how he suffered the head injury, including having been thrown to the ground by police. After his subdural hematoma was diagnosed, he was transferred to St. Joseph's Hospital for more intensive treatment which is where he succumbed to his injuries and passed away on September 25, 2024. FWPD requested the Valley Independent Investigation Team (VIIT) conduct an independent investigation to determine if any evidence existed that officers were the cause of his death.¹

The role of the Public Integrity Team (Team) is to ensure that the investigation is thorough and complete and determine whether sufficient admissible evidence exists to support filing criminal charges against any involved officer.

The King County Prosecuting Attorney's Office's (KCPAO) determination whether or not 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.

¹ FWPD is responsible for the death investigation if police are not the cause of the Subject's death.

The Team has determined that the investigation is complete. Based on a thorough review, the Team has concluded the investigation did not uncover any evidence causing the KCPAO to believe that the Subject's death was caused by police action.

II. EVIDENCE REVIEWED

- FWPD Police Reports
- FWPD *Mental Health Contact or Protective Custody Reports*
- KCSO Police Report
- Renton PD Police Reports
- Ambulance Records
- SW No. 24-0-063391-2
- Virginia Mason/Franciscan Health Medical Records
- PCMEO Records
- BWC Footage
- Civilian Surveillance Footage
- CAD
- Taser Logs
- Photos

III. INVESTIGATION

A. INDEPENDENT INVESTIGATION

After Joel's death on September 25, 2024, FWPD requested that VIIT investigate whether its officers may have in any way caused Joel's death. Renton Police Department (Renton PD) took the lead role in the investigation.

B. FACTUAL SUMMARY

On September 18, 2024, the Subject, Joel Almazo Avalos was seen by officers running through the street with a bloody nose. He was detained, determined to meet the criteria to be involuntarily committed by Federal Way Police Department officers and taken into police custody. Body-Worn Camera (BWC) footage shows that officers used no more force on Joel than in a typical arrest. Joel was loaded onto a gurney without incident and transported to St. Francis Hospital by a Tri-Med ambulance.

During Joel's medical evaluation, Registered Nurse (RN) 1 asked Joel how he sustained his bloody nose. Joel told him, "The police threw me on the ground." Joel then underwent a CT scan, which according to RN 1 is common practice for patients who enter the Emergency Room in Joel's condition. The scan showed that Joel had a subdural hematoma, or brain bleed, as well as healing fractures to his cervical spine and ribs. None of Joel's injuries were visible except his bloody nose. According to RN 1, Joel provided inconsistent and different explanations for the cause of his head injury every time medical staff spoke with him. Joel was transported to St.

Joseph's Hospital in Tacoma as the brain bleed is a higher level of "acuity" than typically treated at St. Francis Hospital. Staff at St. Francis notified FWPB of Joel's accusation that police officers caused his head injury. Joel subsequently died from his subdural hematoma at St. Joseph's Hospital in Pierce County on September 25, 2024.

For purposes of fairness and transparency, FWPB requested that VIIT investigate whether its officers caused Joel's death. Renton PD took the lead role in the investigation. Subsequently, VIIT investigators obtained Joel's medical records from St. Joseph's Hospital. During a neurosurgery consultation, Doctor 1 noted:

[Patient] initially stated it was in an altercation with police but there was no evidence of this, now no longer saying that per the trauma service [citation omitted]. He has a history of methamphetamine abuse and [citation omitted] has had several ED visits for erratic behaviour [sic]; [citation omitted] recently on 9/15 when he was found wandering the streets, as well as on 9/11 [citation omitted] for similar reason. On 9/11 a [citation omitted] head CT was obtained and was negative for intracranial hemorrhage. On CT today he was found to have a R occipital fracture, R [citation omitted] sided posterior fossa/cerebellar SDH [Subarachnoid Hemorrhage] underlying a non displaced occipital fracture as well as a R inferior cerebellar contusion. SAH in several locations as described a. C spine showed no fracture but some epidural hematoma. Non focal exam upon admission to the ED. (emphasis added).
(*St. Joseph Hospital Medical Records*, page 56 of 1554)

On September 27, 2024, the Pierce County Medical Examiner performed an autopsy on Joel's body.² During the physical exam, the medical examiner noted the following injuries on Joel:

- Skull fracture - right occipital (back of skull)
- Subdural hematoma
- Cervical spine fractures – C1, C2, C6
- Left scapula fracture (healing)
- Multiple rib fractures (healing)

Based on Joel's medical records it appears he was involuntarily committed four times between August and September 2024, including multiple on the same day after St. Francis Hospital released him after determining that his mental state was drug-induced not behavioral.

Renton PD investigators searched for all recent incidents that Joel had with law enforcement. They found two on September 15th and three on September 18th.

² The PCME's has not completed the written autopsy report despite over one year passing.

- 9/18/24 @ 0640 -Ross Dress for Less- 32075 Pac Hwy S.
- 9/18/24 @ 0723 and @ 0737 -320th & Pacific Hwy S.
- 9/15/24 @ 0246 - WP240053311- S. 340th Pl & Pacific Hwy S.
- 9/15/24 @ 0546 - WP240053322- St. Francis Hospital

A review of the police reports and Mental Health Contact reports filled out by FWPD officers shows that on at least three occasions police observed Joel walking into traffic without any apparent concern for his safety.

On September 15, 2024, at 0246 hours, a FWPD officer observed Joel at S 340th Pl & Pacific Hwy S naked and observed him "sprinting" down the side of road. He ran through a red light and was nearly struck by a car. Joel did not react to nearly being struck. The officer stopped him by positioning his car in front of Joel. Joel ran through a sprinkler and then stopped running. Joel told police that two hours prior five to seven men assaulted him and forced him to undress.

The FWPD officer later reviewed CCTV footage of Joel ten minutes prior to the police contact; the footage showed Joel undressing alone. He was then involuntarily committed to St. Francis Hospital. At the hospital, Joel tested positive for methamphetamine and cocaine. Joel was discharged hours later after the attending physician medically cleared him.

Three hours later, at 0546 hours, security guards at St. Francis Hospital requested police respond to the hospital because Joel was in the parking lot, acting erratically, and refusing to leave the premises. Officers responded. They assisted the security guards with walking Joel off the hospital premises. Once off the premises, Joel began undressing again and the police involuntarily committed Joel to the hospital for the second time that day.

Joel was involuntarily committed a third time on September 15, 2024, when officers responded to the Grocery Outlet in Federal Way at 1600 hours, after multiple drivers called the police to report that a man was standing in the middle of the street staring blankly and talking to himself. The callers stated that cars needed to swerve out of the way in order not to hit the Subject and when they did, the Subject did not react.

When police arrived on scene at the Grocery Outlet, Joel was standing in the driveway and refused to acknowledge the officer's presence. Officers placed him in a patrol car and when the ambulance arrived, they placed him on a stretcher. The medics noted that Joel was cooperative. Joel denied standing in the street, stating that he was standing on the sidewalk near the Grocery Outlet to protect his tools from being stolen. He said that earlier that day the police

took him to St. Francis Hospital after he was assaulted by strangers. He appeared lucid to medics but sometimes muttered random words, such as “Octopus.”

Medical records show that Joel told medical staff that police tased him that day.³ Renton PD reviewed FWPD’s calls for service that day and reviewed the taser logs for all officers that responded to Joel’s incidents on September 15th. None of their logs show a taser deployment. His medical records for that day show that Joel admitted to not having slept that day, using methamphetamine, denied hallucinations despite outward signs of having them, and reported no physical complaints.⁴ Joel was discharged from the hospital the next afternoon at 1522 hours.

Officer 1 wrote that on September 18, 2024 (1½ days after his discharge) at 0640 hours, while sitting in his patrol car near the Ross Dress for Less at 32075 Pacific Highway S. in Federal Way, Joel flagged him down informing him he had been assaulted. Officer 1 observed blood on the side of Joel’s mouth, but no other visible injuries. Officer 1 radioed in the complaint to have FWPD respond since the location was inside their jurisdiction. Officer 1’s report indicates, “[Joel] believed every person he saw in the parking lot was someone who attacked him. He appeared to be hallucinating...” Joel then threw up behind Officer 1’s car. When FWPD arrived on scene, Officer 1 drove away.



Figure. Officer 1 on the left. Joel pictured on the right.

³ See. St. Joseph Hospital Medical Records, page 1217 of 1554.

⁴ Id.



Figure. Joel, pictured on the right, before officers asked him if he was alright and released him having not committed a crime.

Joel is then observed on city surveillance cameras crossing westbound on Pacific Highway S. at S. 320th St., against traffic. Both FWPD Officer 2 and Officer 3 can be seen escorting Joel westbound towards the ARCO parking lot. There is minimal contact between the Subject and officers other than Officer 3 lightly touching Joel's elbow directing him out of traffic.



Figure. Joel standing in the crosswalk with the patrol cars of Officer 3 and Officer 2 pictured on the left and right, respectively.



Figure. Officer 2 approaching Joel in the crosswalk at Pacific Highway S. and S 320th St.

Officer 4, another officer who later arrived at the scene, handwrote on the involuntary treatment referral paperwork:

Officers contacted Joel earlier in the morning, Joes was talking to people who were not there. Appeared to be hallucinating. Shortly after ending that contact another officer observed Joel in the roadway putting himself to potential harm. Joel cannot articulate where he is. While speaking to Joel his nose started to bleed and he also started to vomit. Joel has had many contacts with police for similar reasons.

Tri-Med paramedics also noted in their report that Joel was unable to articulate his words, had a nosebleed, and vomited in the presence of police.

Body-Worn Camera footage for each of these incidents was reviewed. The footage does not show Joel falling or police using force on Joel other than holding his elbow at times or helping him onto an ambulance gurney.

IV. LEGAL STANDARD AND APPLICABLE LAW

The State must prove each element of a criminal charge by competent evidence beyond a reasonable doubt.⁵ Under the KCPAO filing standards, “Homicide cases 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. Prosecution should not be declined because of an affirmative defense unless the affirmative defense is of such nature that, if established, would

⁵ RCW 9A.04.100; WPIC 4.01.

result in complete freedom for the accused and there is no substantial evidence to refute the affirmative defense

V. ANALYSIS AND CONCLUSION

Based on the evidence admissible in a criminal case and the applicable legal standards, the KCPAO declines to file criminal charges against any officer for Mr. Almazo Avalos' death. Despite the Subject's claim to medical personnel that police injured him, the Public Integrity Team did not review any evidence that would indicate that any FWPD officer was, in fact, the cause of Mr. Almazo Avalos' head injury.