In-Custody Death Investigation

Christopher Krzyzewski

Valley Independent Force Investigation Team

Kent Police Department #24-9770

King County Prosecuting Attorney's Office
Public Integrity Team

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DECLINE MEMORANDUM

This memorandum has been approved by the King County Prosecuting Attorney to be published on the website of the Prosecuting Attorney's Office Public Integrity Team.[1]

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.

[1] https://kingcounty.gov/en/dept/pao/about-king-county/about-pao/team-leadership/organizational-structure/criminal/mainstream/public-integrity-team

I. INTRODUCTION

1. Purpose of the Memorandum

Pursuant to the Law Enforcement Training and Community Safety Act, an independent investigation is required when the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm.[2] The independent investigation is conducted in the same manner as a criminal investigation and must be completely independent of the involved agency.[3]

Under the Revised Code of Washington, the prosecuting attorney is required to represent the State of Washington and to prosecute all criminal actions in which the state or the county may be a party.[4] In addition to exercising its prosecutorial discretion to initiate criminal proceedings, the prosecuting attorney is required to review certain incidents regarding police use of force and to determine if sufficient evidence exists to support the filing of criminal charges.[5] Therefore, the review of an incident by the King County Prosecuting Attorney's Office (KCPAO) does not implicitly signal that the use of force was either justified or that criminal charges are appropriate. Instead, the KCPAO is required to assist in the independent investigation involving police use of deadly force to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for everyone.[6]

2. Scope of the Memorandum

The KCPAO's decision whether 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.

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[2] RCW 10.114.011. See also WAC 139-12-010.
[3] WAC 139-12-010.
[4] RCW 36.27.020(4).
[5] RCW 10.114.011. See also RCW 43.102.020. 2021 c 318 § 101.
[6] WAC 139-12-010.

The KCPAO's 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, a civil action, any inquiry, or any other type of proceeding. Compared to a criminal prosecution, these proceedings involve different areas of the legal system, utilize different standards of proof, and likely include evidence that is not admissible during a criminal prosecution.

The KCPAO expresses no opinion regarding the propriety or likely outcome of any other matter. However, topics that are relevant to matters outside the scope of this memorandum, such as department policy, procedures, or training, may be reviewed and included in this memorandum to the extent those topics are relevant to assessing whether the police action was justified or if there was a criminal action such that criminal charges should be filed.

3. Status of the Independent Investigation

The Public Integrity Team (Team), assigned to the Special Operations Unit of the KCPAO, has completed a thorough review of the independent investigation of this incident and applicable laws. The Team has determined the investigation into this matter is complete.

II. OVERVIEW

On July 14, 2024, multiple 911 callers reported that Christopher Krzyzewski was running throughout their apartment complex, yelling, screaming for help, and shooting a firearm. Renton Police Department officers arrived and searched for Krzyzewski. They located him in the apartment's parking garage. Officers took Krzyzewski into custody by placing him in handcuffs and he became unresponsive. Officers administered medical attention and requested medics. Krzyzewski was taken to a hospital and passed away.

III. INVESTIGATION MATERIALS

1. Police Reports – Kent Police Department 2024-9770
2. Police Reports – Renton Police Department 2024-7380
3. Civilian Statements
4. Computer Aided Dispatch
5. Crime Scene Investigation
6. Washington State Patrol Crime Laboratory Reports

7. Fire Department, Medic, Autopsy, and Toxicology Reports
8. Subject Information
9. 911 Call and Police Radio Traffic
10. Audio
11. Body Worn Video
12. Other Video
13. Photos
14. Miscellaneous

IV. FACTUAL SUMMARY[7]

1. Multiple Civilians Call 911

The following information is based upon several sources, including, but not limited to, witness observations, police reports, the Renton Police Department (RPD) computer aided dispatch (CAD) report, police radio recordings, 911 recordings, and body worn video (BWV) cameras from July 14, 2024.

Beginning at 11:41 pm, over 20 calls were made to 911 reporting a disturbance at Griffis Lake Washington Apartments, located in Renton, regarding a man yelling, screaming, calling for help and shooting a firearm.[8] The Griffis Lake Washington Apartments is a large apartment complex with 2 separately addressed buildings. Within each building, the complex is divided into a north and south wing with multiple floors of apartments on either side that are connected by a

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[7] The Factual Summary is based upon the Investigation Materials outlined in Section III. When necessary, the Team will identify the source of the information. It is common for witnesses, including law enforcement officers, to provide multiple statements about the events witnessed. Similarly, it is common for multiple witnesses to provide information about the same event. If a witness provides multiple statements and the statement contains material and substantial differences that could affect the investigation or analysis, the Team will identify information that is materially and substantially different. However, if the information has a de minimis effect on the investigation or analysis, the differences may not be identified. Similarly, although some events may be observed by more than one witness, the Team may not summarize each witnesses' statement unless it has a material and substantial effect on the investigation and analysis.

[8] A *firearm* or *gun* is a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. RCW 9.41.010. In general usage, *firearm* and *gun* may be used synonymously. Firearms may be further classified as handguns or long guns. A *handgun*, which may also be referred to as a *pistol*, is generally designed to be held and fired with one hand. Handguns are further divided into two categories - semi-automatic and revolver. A *semi-automatic* has an internal, unmoving chamber. A *revolver* has a cylinder with multiple chambers. Conversely, a *long gun* is generally designed to be held by both hands and braced against the shoulder. Long guns include rifles, shotguns, and machine guns.

passage in the middle.

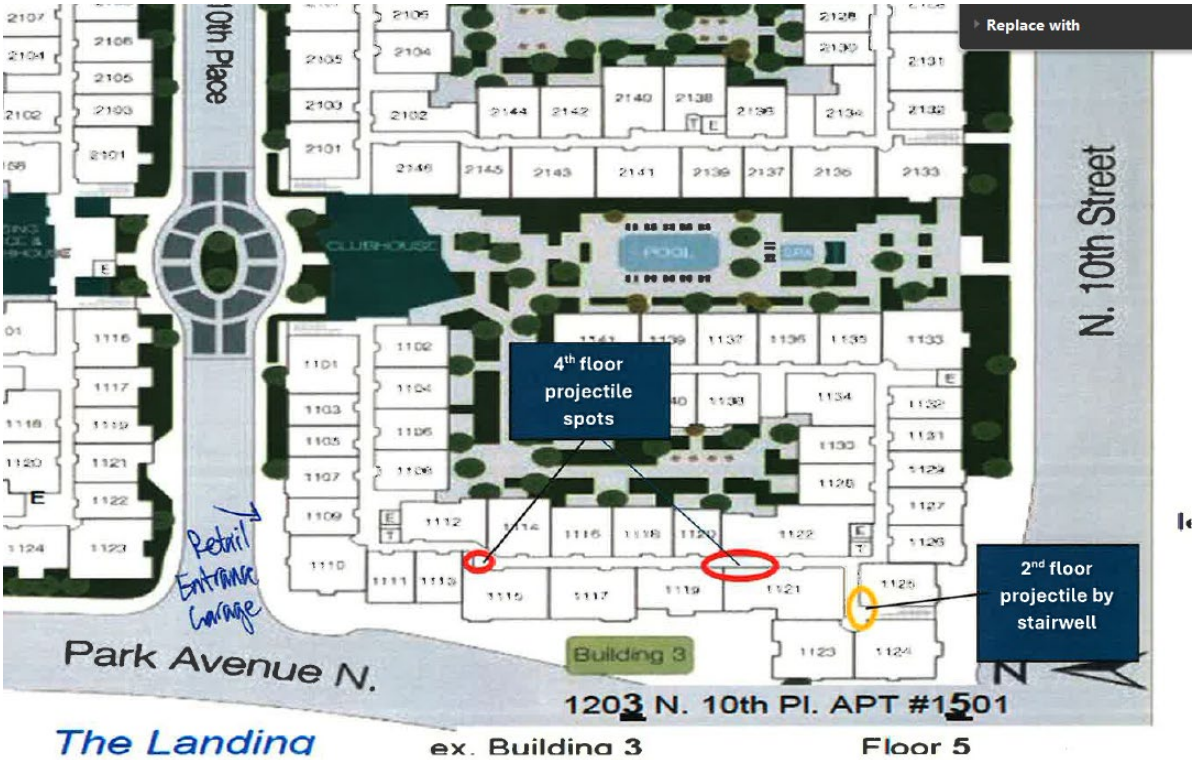

Figure 1 – Map of the apartment complex showing where officers located projectiles. Annotations made by investigators.

In addition to information contained in officer reports and witness statements, the following includes information with timestamps, unless stated otherwise, corresponding to the CAD.

11:41 pm - A male, later identified as Christopher C. Krzyzewski (Krzyzewski), called 911 and yelled, grunted, moaned and screamed for several minutes.[9] At various points during the call, a woman, later identified as Civilian Witness 1, was heard attempting to calm Krzyzewski down. Additionally, several gunshots were also heard on the call.

[9] KZ's identity was not established when police were initially dispatched. Unless stated otherwise, the witnesses did not identify KZ by name or recognize him. However, because KZ's identity is not at issue for purposes of this memorandum, the individual the witnesses described will be referred to as KZ for clarity throughout the memorandum.

11:45 pm - A male was in the courtyard screaming for help. The 911 caller also reported hearing noises of someone possibly being hit, but they were unsure if any weapons were involved.

11:46 pm - A female could be heard telling Krzyzewski to go home and that Krzyzewski was possibly holding a firearm. The male was described as a white male, bald, wearing a white or blank tank top.

Several RPD officers, including Witness Officer 1, Witness Officer 2, Witness Officer 3, and Witness Officer 4 were dispatched to investigate.

11:47 pm The male was described as in his "30's" wearing a black tank top and black pants.

11:49 pm - 911 callers heard multiple gunshots.

2. Renton Police Department Officer Arrive

11:50 pm - 911callers stated the male was possibly located in the south building on the 4th floor and 10 gunshots were heard.

Witness Officer 1 reported he arrived at the apartment building.

11:51 pm - 911 callers said the male was on the 2nd floor and inside building #3. The caller stated they heard gunshots and the male was shouting "Help!" in the hallway.

Witness Officer 2, Witness Officer 3, Witness Officer 4, Witness Officer 5, and Witness Officer 6 reported they arrived at the apartment building. Witness Officer 6 stated he was carrying a 40mm less lethal launcher.[10]

When officers arrived, they entered the building. Witness Officer 6 and other officers took the elevator from the 1st to the 2nd floor. As they cleared the hallway, Witness Officer 2 heard the police dispatcher provide additional information. For instance, one caller reported they

[10] A 40mm less lethal launcher is a special-purpose less lethal weapon designed to use kinetic energy to launch a 40mm projectile. The launcher allows law enforcement to discharge the launcher from a distance and the projectiles are designed to stun, temporarily incapacitate, or cause temporary discomfort to a subject.

believed the male was outside of the building, but other callers reported the male was still inside the building. They moved through the hallway, which allowed them to take a stairwell to the 3rd floor. When they exited the stairwell, a resident was in the hallway and told the officers the male they were looking for was further down the hallway and he had lost sight of the male. As the officers moved towards elevator #3, they heard an update from the police dispatcher that the male was seen on a different floor.

11:52 pm - A 911 caller heard the male going up and down the stairwell. Several 911 callers continued to report the sounds of gunshots and a male screaming. The 911 callers reported the male was in building #3 on the 4th floor. The caller estimated hearing around 12 gunshots and a male was heard screaming in the background.

Witness Officer 4 reported he was heading upstairs via an elevator.

11:53 pm - Witness Officer 5 reported he was moving upstairs via a stairwell.

11:54 pm - Witness Officer 1 reported he was on the 2nd floor.

Officers were advised of information about the male's location provided by 911 callers, but the exact locations conflicted with each other. A 911 caller reported they saw the male walking through the hallways via their doorbell camera. The caller described the male as a white male, in his "20s" to "30s," with buzz cut hair, black tank top with stripes, blue jeans and carrying a handgun.

Witness Officer 7 reported he arrived at the apartment building.

11:55 pm - Witness Officer 5 reported was searching the 3rd floor. Witness Officer 8 reported he arrived at the apartment building. Witness Officer 7 advised a witness reported they could hear the male on the south side of the building, which was where Witness Officer 7 and Witness Officer 8 were located.

Figure 2 - BWV screenshot of officers checking apartment hallways. As they moved through the hallways, gunshots were audible in the background.

11:58 pm - Witness Officer 8 reported the male may be on the 2nd floor of the parking garage. Witness Officer 9, who was partnered with his police canine, advised the dispatcher he arrived at the apartment building.

Witness Officer 2 heard other officers on scene advise they could hear the male screaming inside the 2nd floor of the parking garage. Witness Officer 2 and other officers decided to relocate to the 2nd floor of the parking garage through elevator #3 on the 3rd floor. While waiting at the elevator, they heard a male screaming from the elevator shaft. From Witness Officer 2's perspective, it sounded like the male was inside the elevator but on a different floor. Another 911 caller reported they could also hear screaming from elevator #3 and believed Krzyzewski was inside the elevator. Witness Officer 2 observed elevator #3 was going to arrive at the 3rd floor so he and the other officers took positions to contact Krzyzewski, but when the elevator arrived it was empty and they could still hear Krzyzewski screaming.

Figure 3 - As officers approach the 3rd floor elevator, a male yelling is audibly heard.

Figure 4 - Officers moved away from the elevator in anticipation of Krzyzewski being inside.

11:59 pm - Witness Officer 1 reported he could hear the suspect in the elevator shaft however officers were advised that a witness said they just drove by the suspect in the 2nd floor parking garage while a different witness reported the suspect was in elevator #3.

12:01 am - Witness Officer 9 reported the suspect was trying to go up an elevator. Witness Officer 1 reported he was standing by the 3rd floor elevator. Witness Officer 9 requested officers to respond to the lower-level parking garage because the suspect was running all over. Witness Officer 9 also advised the circumstances did not meet the threshold to deploy his police canine.

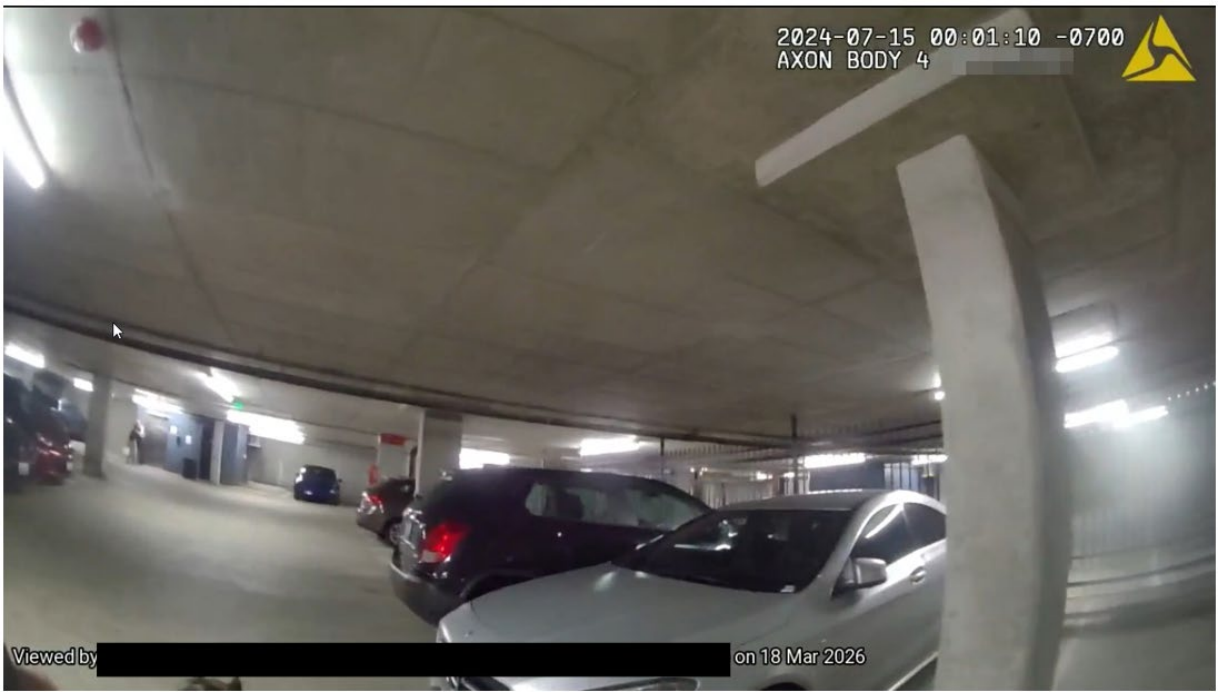

Figure 5 – Witness Officer 9 observed Krzyzewski near the elevator located in the parking garage by the elevator.

3. Officers Contact and Arrest Krzyzewski

The officers relocated from the 3rd floor to the 2nd floor of the parking garage. When they exited the elevator in the garage, Witness Officer 2 observed a black handgun on the garage floor. Witness Officer 6 stayed with the firearm and observed an open pocketknife was also next to it. Witness Officer 6 took photographs of the weapons and noted blood on the handle of the

firearm, a Ruger, and on the handle of the knife. As Witness Officer 4 entered the parking garage, he saw Krzyzewski actively resisting while being placed into handcuffs.

12:03 am - Witness Officer 1 reported a firearm was recovered on the bottom floor of the parking garage and Witness Officer 9 reported the suspect was resisting handcuffing. Approximately 23 seconds later, Witness Officer 4 reported the suspect was detained.

Figure 6 - As officer Turner exited the elevator to the garage, the officers observed a black handgun (red circle).

Once Krzyzewski was detained and handcuffed, officers began searching for witnesses and evidence. Several officers went back to the floors where Krzyzewski was reported to have discharged his firearm. Witness Officer 4 and Witness Officer 2 went to the 4th floor near unit 1422 and found 17 fired casings throughout the hallways and numerous bullet holes in the hallway. The bullet holes were in the walls and in the ceiling, but not through any of the apartments. Witness Officer 4 also went to the 3rd floor and found 3 fired casings in front of unit 1203. Other officers stayed with Krzyzewski and observed he was exhibiting concerning behavior

Figure 7 - As Krzyzewski continued to move his head on the ground, an officer cradled his head to prevent it from hitting the ground.

12:05 am - Witness Officer 1 reported there was blood on the knife and firearm that the suspect ditched.

12:06 am - The CAD indicated officers requested a mental evaluation by the fire department.

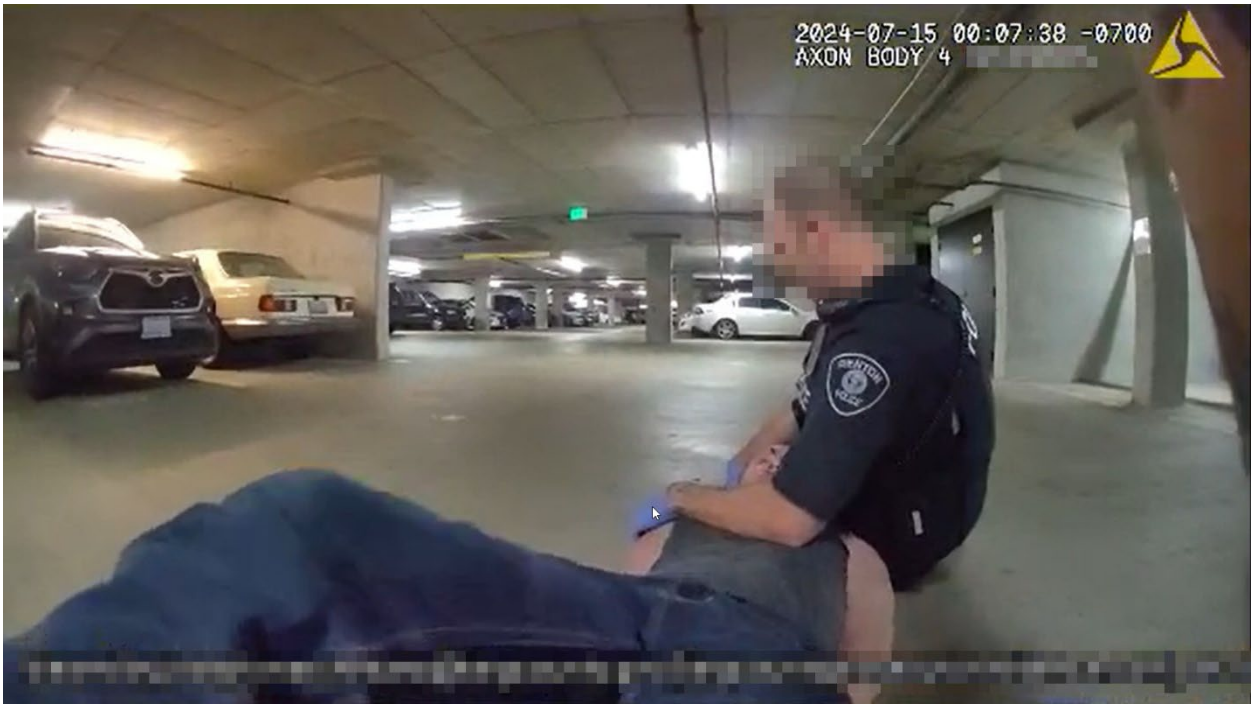

Figure 7 - Krzyzewski continued to roll on the ground and resist. Officer Selbert positioned himself under Krzyzewski's head.

12:08 am - Witness Officer 8 reported he was with Civilian Witness 1 who stated Krzyzewski shot his firearm. Witness Officer 5 reported there were discharged casings found at unit #1223.

Figure 9 - Krzyzewski again rolled himself around and laid in the prone position. While officers waited for medical personnel, Krzyzewski was visibly breathing.

12:10 am - Witness Officer 9 requested medics.

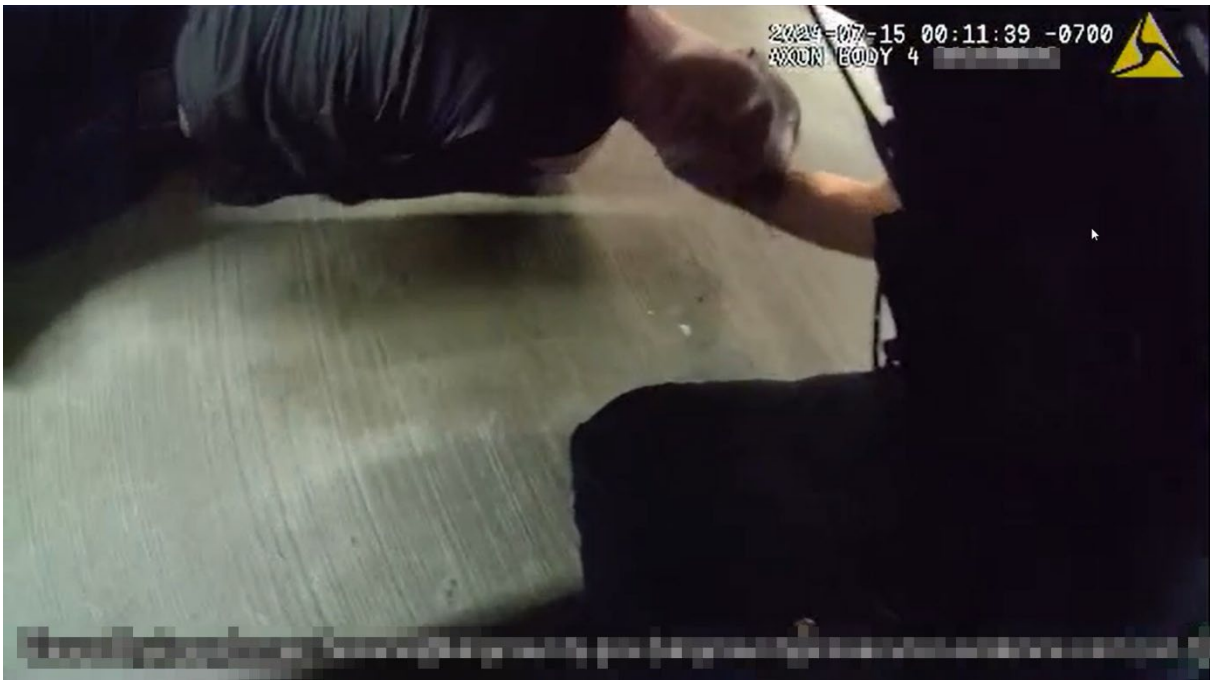

Figure 10 - When Krzyzewski became unresponsive, officers rolled him to the recovery position.

Figure 8 - Officers immediately checked Krzyzewski's pulse and rubbed his sternum.

12:12 am - Witness Officer 9 requested medics expedite their response and Witness Officer 8 directed medical personnel to come between the two buildings to the lower entrance.

12:13 am - Witness Officer 9 reported officers were conducting CPR on the suspect. Shortly afterward, Witness Officer 1 reported the suspect was unresponsive and officers could not find a pulse.

Figure 9 - When officers could not locate Krzyzewski's pulse, they removed his handcuffs to provide medical aid.

Figure 10 - Officer Ediger performed CPR until medical personnel arrived.

The Renton Fire Department arrived at approximately 12:13 am and provided basic life support to Krzyzewski. Approximately 6 minutes later, King County Medic One arrived and took over aid. Within 2 minutes of their arrival, medics assessed Krzyzewski and noted an abrasion to his forehead; he was unresponsive; his skin was cyanotic,[11] hot, and pale; his eyes were non-reactive; and there was no pulse in Krzyzewski's left or right femoral or carotid arteries.

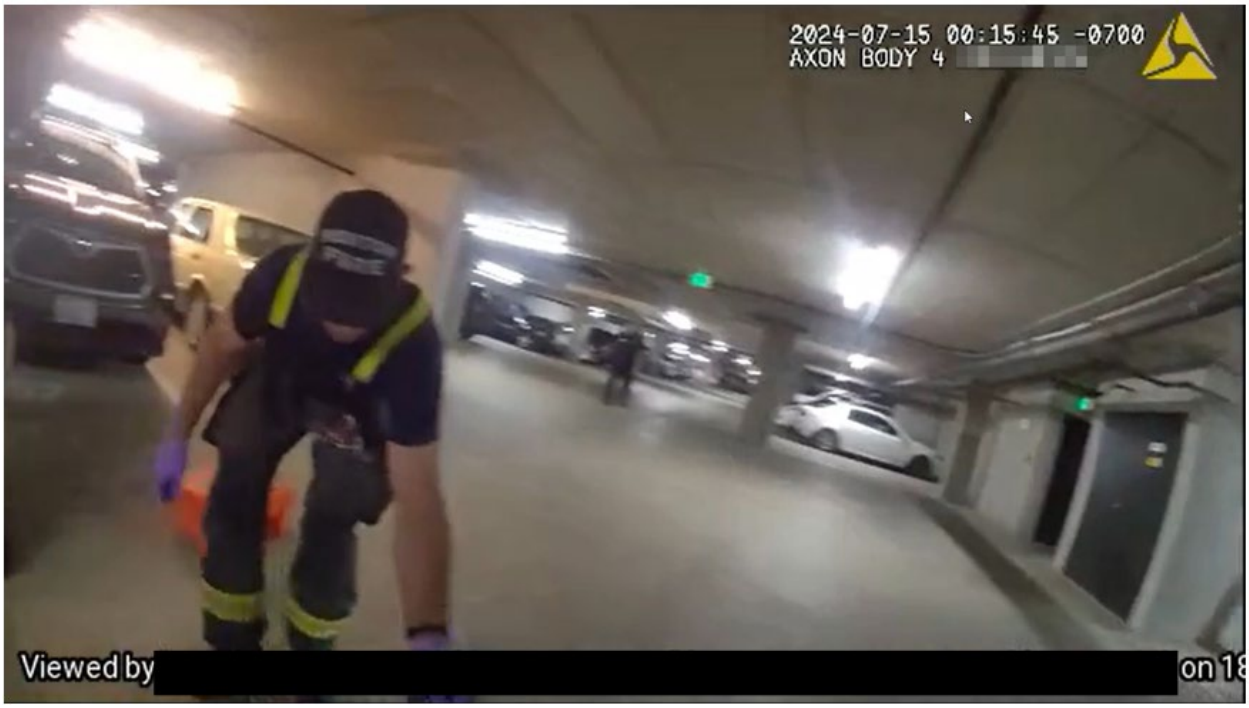

Figure 11 - Medical personnel from the Renton Fire Department arrived and took over medical aid.

12:17 am	-	Witness Officer 7 requested medics respond between the buildings so that the officers could direct them to the suspect.

[11] Cyanosis is the medical term for when the skin, lips or nails turn blue due to a lack of oxygen in the blood. https://my.clevelandclinic.org/health/diseases/24297-cyanosis.

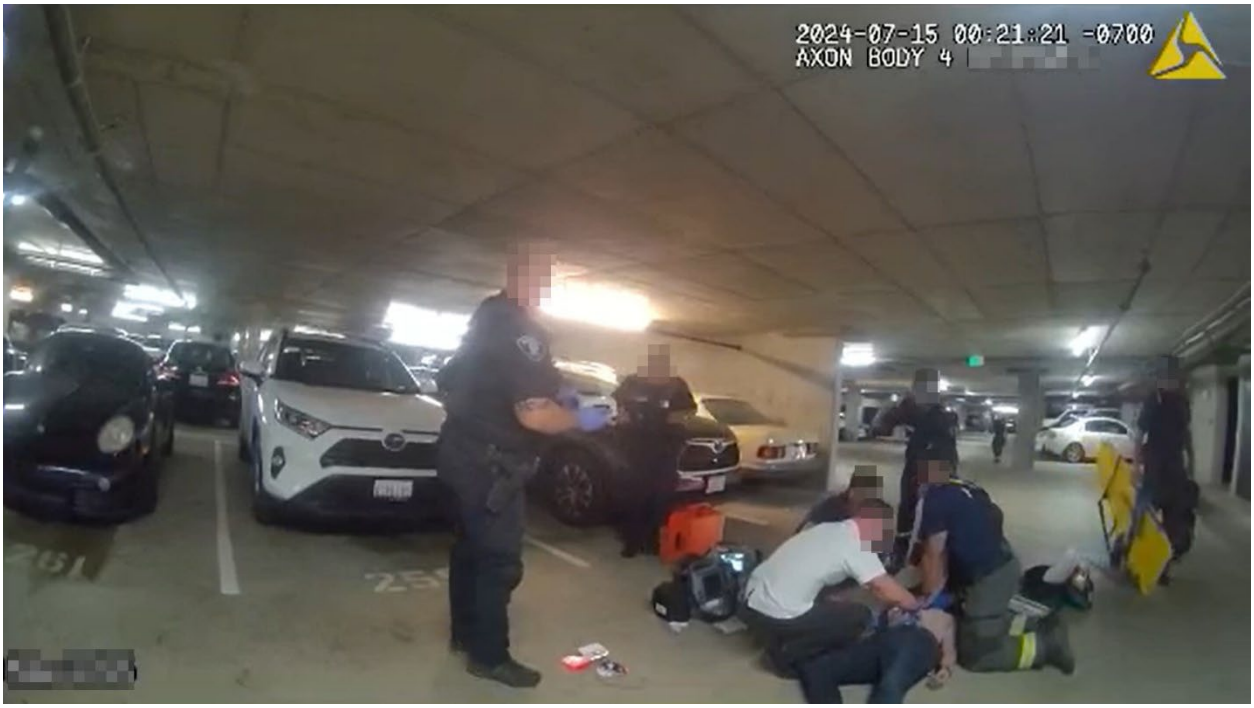

Figure 12 - Approximately 6 minutes later, medics arrived and continued medical aid.

Figure 13 - Medics transported Krzyzewski to their vehicle to transport him to the hospital.

While providing treatment to Krzyzewski, the medics recorded Krzyzewski's pulse,[12] respiratory rate (RR),[13] and end-tidal carbon dioxide (ETCO2)[14] several times, which was:

Time	**Pulse**	**RR**	**ETCO2 (mmHg)**	**Other Notes**
12:23 am	39			
12:24 am		81	29	
12:24 am			29	
12:25 am	104	89	55	
12:25 am	50	55	55	
12:26 am	83		59	
12:27 am	65	96	59	
12:28 am	98	16	68	
12:31 am	106	25	64	
12:31 am	106	25	64	
12:32 am	109	26	60	
12:33 am	72			Unresponsive
12:34 am	108			Unresponsive

[12] The pulse rate is a measurement of the heart rate, or the number of times the heart beats per minute. As the heart pushes blood through the arteries, the arteries expand and contract with the flow of the blood. Taking a pulse not only measures the heart rate, but it also can indicate the following heart rhythm and strength of the pulse. The normal pulse for healthy adults ranges from 60 to 100 beats per minute. The pulse rate may fluctuate and increase with exercise, illness, injury, and emotions. Females ages 12 and older, in general, tend to have faster heart rates than do males. Athletes, such as runners, who do a lot of cardiovascular conditioning, may have heart rates near 40 beats per minute and experience no problems. https://www.hopkinsmedicine.org/health/conditions-and-diseases/vital-signs-body-temperature-pulse-rate-respiration-rate-blood-pressure

[13] The respiration rate is the number of breaths a person takes per minute. The rate is usually measured when a person is at rest and simply involves counting the number of breaths for one minute by counting how many times the chest rises. Respiration rates may increase with fever, illness, and other medical conditions. When checking respiration, it is important to also note whether a person has any difficulty breathing. Normal respiration rates for an adult person at rest range from 12 to 16 breaths per minute. https://www.hopkinsmedicine.org/health/conditions-and-diseases/vital-signs-body-temperature-pulse-rate-respiration-rate-blood-pressure

[14] The level of carbon dioxide that is released at the end of an exhaled breath and it reflects the patient's ventilatory status. ETCO2 monitoring is represented as a number and a graph on a monitor. The number is called capnometry, which is the partial pressure of CO2 detected at the end of exhalation, ranging between 35 - 45 mm Hg or 4.0 – 5.7 kPa.

12:36 am	116	25	49	
12:41 am	79	21	59	
12:43 am				
12:43 am	149	20	60	
12:45 am	160	23	71	Unresponsive
12:46 am	143	22	71	
12:49 am	132			
12:49 am	131	24	66	
12:49 am	127	23	65	
12:49 am	127	23	64	
12:50 am	128	21	68	Unresponsive
12:50 am	128	23	68	
12:51 am	125	14	74	
12:52 am	130	27	60	
12:55 am	111	22	59	Unresponsive

In their report, the medics noted Krzyzewski presented in cardiac arrest after an encounter with police. "The officer(s) reported him as agitated – his state suggestive of an acute behavioral disturbance – and he was physically restrained (being held down). At some point he became unresponsive and officers started CPR, [Fire Department] found him in [pulseless electrical activity] and had two (2) "no-shocks" until [advanced life support] arrived."

The medics noted their clinical decision making and disposition as follows:

> This is a 30 [year old] male in cardiac arrest. His initial rhythm is [pulseless electrical activity] and the etiology of his arrest is speculative – hypoxia arrest secondary to ventilatory restriction, stimulate use (e.g. cocaine), myocardial infraction or [pulmonary embolism] among others. A standard Plan A-1 resuscitation was initiated. Adequate vascular access was established and intubation was performed in standard fashion without interruption in chest compressions with confirmation of tube placement by ETCO2, condensation and equal breath sounds.

The medics noted they left the incident location at approximately 12:46 am and arrived at Valley Medical Center at approximately 12:56 am.

Witness Officer 1 also completed a request to involuntary commit Krzyzewski for a mental health evaluation. In his report, Witness Officer 1 stated the reasons for the referral were that Krzyzewski was unable to care for self, assaultive, damaged property, and there were weapons involved. To support his request, Witness Officer 1 reiterated information provided by 911 callers and explained officers located a firearm in the area where they contacted Krzyzewski. He also explained that Krzyzewski "was taken into custody and continued to scream and struggle while in handcuffs." Krzyzewski screamed to officers to "Shoot me in the face," "Kill me," and Why am I not dead yet!" Officers attempted to hold Krzyzewski in place until medics arrived. After several minutes, Krzyzewski grew quiet and officers determined he was not breathing so officers administered CPR until medics arrived. Witness Officer 1 concluded his request, "Because I currently believe that [Krzyzewski] experienced some sort of mental health crisis which led him to discharge a firearm several times into the walls of numerous occupied apartments, and noting that [Krzyzewski] shouted 'kill me,' before suffering an apparent cardiac arrest, I believe he may pose a danger to both himself and others."

V. INDEPENDENT INVESTIGATION

1. Independent Investigation Team

As other officers arrived, they rerouted traffic away from the area and secured the incident scene to preserve evidence. As required by law, an independent investigation team was notified about the use of force and requested to respond to the scene to conduct an independent investigation.[15]

The Valley Independent Investigation Team (VIIT) was contacted, the Kent Police Department was identified as the lead agency conducting the independent investigation, and Investigator 1 was assigned as the lead investigator. Other VIIT investigators were given specific assignments, such as canvassing for witnesses and video evidence, interviewing witnesses, officer processing, crime scene investigation, and evidence collection.

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[15] RCW 10.114.011. See also WAC 139-12-010.

2. Civilian Witness Statements

a. Civilian Witness 1

Witness Officer 6 spoke with Civilian Witness 1, who reported to him that she and Krzyzewski are dating. She stated they had a wonderful night. At approximately 9:00 pm, they were located inside their apartment and she asked him if he took his medication. Krzyzewski stated he did not, and she noticed he appeared upset by her question. Civilian Witness 1 went to clean their bathroom and heard Krzyzewski slam a door, which she thought was their bedroom door. She exited the bathroom and realized Krzyzewski was not inside the apartment and the key for their apartment was missing. She wrote a note for Krzyzewski, which read, "Thanks for leaving me," and she began searching for Krzyzewski.

While she was on the 1st floor, Civilian Witness 1 saw Krzyzewski near the courtyard door. She opened the door and attempted to calm Krzyzewski down, but Krzyzewski kept saying, "They're after me. They're after me." Krzyzewski ran towards the elevator, but Civilian Witness 1 was able to follow Krzyzewski and they took the elevator to the 2nd floor. Civilian Witness 1 reported Krzyzewski set her to the side and told her he needed to protect her. After he said this, Civilian Witness 1 saw Krzyzewski step forward and fire his gun. At one point Krzyzewski tripped and fell, which caused him to accidentally discharge the gun behind him and nearly struck Civilian Witness 1.

Civilian Witness 1 stated she kept running after Krzyzewski but she could not keep up with him. When Krzyzewski went to another floor, she lost sight of Krzyzewski. Civilian Witness 1 entered the elevator and went to the 2nd floor of the parking garage where she found Krzyzewski. She attempted to calm Krzyzewski down again and police began to arrive. In response Krzyzewski ran away, stating they were "coming to get him."

Civilian Witness 1 stated Krzyzewski's family has a history of schizophrenia and he is not currently medicated for or diagnosed with schizophrenia. Civilian Witness 1 reported Krzyzewski was seeing people that were not actually present, that he had a history of suicidal ideations, but he had never been hospitalized to her knowledge. When asked about the firearm Krzyzewski possessed, Civilian Witness 1 said it was a black Ruger handgun, but she was not certain what caliber. Civilian Witness 1 reached into her pocket and showed Witness Officer 6 a

fired cartridge casing that she recovered after Krzyzewski tripped. Witness Officer 6 noted it was a 5.7 caliber casing, an uncommon caliber, which matched the firearm he saw earlier.

b. Civilian Witness 2

Witness Officer 10 briefly spoke with Civilian Witness 2 after the incident. She reported she lives in unit #1224 and was home during the incident. She was inside her apartment when she heard 3 to 5 gunshots in the hallway. She went to another room, got down on the ground and accessed the live video of her Ring video camera, which faced the hallway. She watched a male get close to her apartment while holding a black handgun. The male said something to the effect of, "Stop! Help me!" repeatedly, but she did not see anyone else in the hallway. She observed the male shoot the handgun several more times, but she did not see or hear who he was shooting at. Civilian Witness 2 described the male as being "demonically harassed," which caused him to randomly shoot the handgun. She called 911 and while she watched the live video, she heard a female's voice, but she could not understand what the female said. The male left the view of her camera in an unknown direction. Civilian Witness 2 explained the male was not close enough to the camera for it to self-activate, so the incident was not recorded.

c. Civilian Witness 3

Witness Officer 2 briefly spoke with Civilian Witness 3 after the incident. Civilian Witness 3 reported he did not visually observe anything, but he heard the incident. He stated he heard a male yelling for help, followed by numerous gunshots. He heard the male continue screaming after the gunshots, but nothing else.

d. Civilian Witness 4

Witness Officer 2 briefly spoke with Civilian Witness 4 after the incident. Civilian Witness 4 reported he heard a male screaming for help and he later heard gunshots. He said the yelling sounded like it was coming from the elevator. He also observed a female running down the hallway and he asked her what was happening. She stated it was her "friend's crazy boyfriend."

e. Civilian Witness 5

Witness Officer 4 briefly spoke with Civilian Witness 5 after the incident. He reported he heard shouting from outside the apartment building, so he went to his balcony, which is where is observed a male shouting and yelling in the apartment's courtyard. Civilian Witness 5 stated the male was not making sense and there was a female following him and it appeared she was attempting to get the male to stop. A few minutes later, Civilian Witness 5 heard shouting in the hallway outside his apartment, which was followed by 3 gunshots. He heard a female yell something to the effect of, "Police are coming." After the female spoke, Civilian Witness 5 heard approximately 14 more gunshots in rapid succession. Regarding the information in the hallway, Civilian Witness 5 confirmed he only heard what had occurred and did see this.

f. Civilian Witness 6

Civilian Witness 6 provided a statement to VIIT investigators. Civilian Witness 6 reported he is the lead service technician for the apartment complex and lives at the complex. He was familiar with Krzyzewski and Civilian Witness 1 from prior visits to their apartment for routine repairs.

Civilian Witness 6 told investigators about a prior incident where Krzyzewski had entered a different unit, which belonged to Civilian Witness 6's friends. Regarding this incident, Civilian Witness 6 heard what he believed to be a gunshot that was so loud, he thought it originated from his apartment. Civilian Witness 6 reported he heard a second gunshot that was much quieter. He stated his girlfriend said it sounded like someone was yelling in the hallway. Civilian Witness 6 opened his apartment door and investigated the hallways. He was going to go back inside his unit when he heard the stairwell door open. He investigated the interior hallways and saw Civilian Witness 1. Civilian Witness 6 showed investigators video from his Google Nest camera, which was positioned outside his front door. The investigator observed Civilian Witness 6 standing outside his front door in the interior hallway of the apartment building. Civilian Witness 6 appeared to be looking down the hallway away from his front door. Approximately 6 seconds later, a female walked toward Civilian Witness 6 and he asked her, "Does he have a gun?" The female, replied "Yeah!" Civilian Witness 6 asked, "Is he shooting a gun?" The female replied,

"Yeah!" Civilian Witness 6 told the female to call the police, but she stated she did already. She also stated, "He almost shot me!"

Civilian Witness 6 further stated the video did not record the portion where the female told him she was walking around the apartment building and telling everyone to stay inside. After that, the female waked away.

g. Civilian Witness 7

Civilian Witness 7 provided a statement to VIIT investigators. He reported he worked for the apartment building's on-site security company. He reported he was doing foot patrol around the garage when he was approached by a resident who said he thought there was a male running around with a gun. Civilian Witness 7 began to walk out of the garage to call 911 when "the guy" made it to the garage. Civilian Witness 7 observed "the guy" was screaming that he was shot, he seemed manic, and panicking. Civilian Witness 7 reported he did not see the male hit his head but believed the male may have had a head injury based on him laying down in the middle of the lane. Civilian Witness 7 helped officers access the inside of the gated garage and when he looked towards the male, the male was already detained.

h. Civilian Witness 8

Civilian Witness 8 provided a statement to VIIT investigators. Civilian Witness 8 stated she is the community manager of the apartment complex. After reviewing the apartment complex's database, she confirmed Krzyzewski initially moved into the apartment complex in approximately November 2019 and he moved to his current unit in October 2023. Additionally, there were several incidents involving Krzyzewski. On July 11, 2023, a wellness check was requested; on February 5, 2024, neighbors reported hearing pounding and screaming inside Krzyzewski's unit; on February 11, 2024, neighbors called 911 and apartment security to report a domestic dispute between Krzyzewski and a female in the courtyard of the apartment complex that lasted approximately an hour; and on March 26, 2024, a neighbor reported to apartment complex employees regarding screaming from Krzyzewski's apartment.

3. Forensic Examination

The Washington State Crime Laboratory conducted a DNA analysis on the knife and firearm collected by officers. Human blood was detected on the knife and firearm. Regarding the knife, their report found that the DNA profile obtained was 1.2 nonillion (10^{30}) times more likely if Krzyzewski was the contributor, rather than if an unrelated individual selected at random from the U.S. population was the contributor. Regarding the firearm, the report found that a DNA profile to an unknown male was deduced. Additionally, the DNA profile obtained on the firearm was 540 octillion (10^{27}) times more likely if Krzyzewski and one unrelated individual are the contributors, rather than if two unrelated individuals selected at random from the U.S. population are the contributors. According to the report, these findings "provide very strong support for the proposition that [Krzyzewski] is a contributor to [the profiles]."

4. Autopsy, and Toxicology

a. Autopsy

The King County Medical Examiner's Office performed an autopsy of Krzyzewski to determine the cause and manner of death. The cause of death is a term used to indicate *what* specific injury or disease led to death. The manner of death is a term used to categorize *how* the injury or disease led to death. Manner of death is categorized into one of the following categories:

- Accident is defined as a death other than natural, where there is no evidence of intent.
- Homicide is defined as a death due to intentionally inflicted harm of one person by another. It is also defined as the killing of one person by another.[16] Thus, the term homicide as used in an autopsy report refers to the mechanism of death and does not refer to legal terms, such as murder or manslaughter, which do include a determination of legal liability or culpability.
- Natural is defined as a death solely by organic disease. If natural death is hastened by injury, such as a fall, the manner of death will not be considered natural.

[16] HOMICIDE, Black's Law Dictionary (11th ed. 2019).

- Pending is a temporary designation used when additional investigation, information, or test results are required to determine the cause or manner of death.
- Suicide is defined as a death as the result of a purposeful action, with intent to end one's life.
- Undetermined is defined as a death when there is insufficient evidence or information to assign to accident, homicide, suicide, or natural categories, or when two plausible manners are equally likely.

The King County Medical Examiner's Office opined the cause of death was:

This 30-year-old male with history of chronic cocaine and alcohol use disorder was reported by witnesses to act erratically, display paranoid behavior with reported firing of a gun in his apartment complex, fall while running, and striking his head on the ground. He was then witnesses to become unresponsive in the parking garage while being physically restrained in police custody. He was noted to have an elevated temperature (104.6 degrees Fahrenheit) and was cooled off at the scene and placed on pressure supportive medication during cardiopulmonary resuscitation. He was taken to the hospital and was noted to be in rhabdomyolysis, hyperthermic, displayed electrolyte disturbances, develop anoxic brain injury, and died several hours later. Cause of death is anoxic encephalopathy due to multisystem organ failure, due to rhabdomyolysis and hyperthermia, due to acute cocaine intoxication while being physically restrained in a prone position. Because it is unclear to what extent physical restraint played a role in the cause of death, the manner of death is best certified undetermined.

The pathological diagnoses included evidence of:

- Acute cocaine intoxication while being physically restrained in a prone position
  - Rhabdomyolysis and hyperthermia
    - Multisystem organ failure
    - Anoxic encephalopathy
    - Metabolic acidosis
- Blunt force injury of the head, torso, and extremities
  - Cutaneous abrasions, contusions, and laceration
  - Subgaleal hematoma right frontal scalp
  - Subarachnoid hemorrhage temporal-occipital base
- Evidence of medical therapy including endotracheal intubation

b. Toxicology

NMS performed a drug analysis of Krzyzewski's blood. The results showed Krzyzewski's blood tested positive for a blood alcohol level (.02 g/100 mL); benzoylecgonine (2800 ng/mL), which is an inactive metabolite and chemical breakdown product of cocaine; cocaine (18 ng/mL); and ecgonine methyl ester (1200 ng/mL), which is a cocaine degradation product.

5. Involved Officer's Statements

a. 5th Amendment Protections

Under current law, the independent investigation must be conducted in the same manner as a criminal investigation.[17] Moreover, one of the primary purposes of the independent investigation is to "inform any determination of whether the use of deadly force met the good faith standard and satisfied other applicable laws and policies."[18] Thus, a law enforcement officer, like any other citizen, is protected by the 5th Amendment of the United States Constitution, which prohibits compelling a person to be a witness against themself.[19] A law enforcement officer, like any other citizen, can choose whether or not to voluntarily waive their 5th Amendment protection and provide a statement to criminal investigators.

The involved officer's employer, the involved agency, however, may compel an involved officer to provide a statement in an administrative investigation for the purpose of determining if the involved officer's actions were in accordance with the agency's policy and training. If an involved officer refuses to provide a statement during an administrative investigation, their refusal may result in consequences such as termination of their employment.

While the involved officer's statements may be used against them in an administrative or civil proceeding, such compelled statements are inadmissible against an involved officer in a subsequent criminal trial.[20] Police and prosecutors are also barred from making "indirect

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[17] WAC 139-12-010.
[18] Id.
[19] U.S. Const. amend. V.
[20] Garrity v. State of N.J., 385 U.S. 493, 500, 87 S. Ct. 616, 620, 17 L. Ed. 2d 562 (1967).

evidentiary use" of the officer's compelled statement, which includes investigative efforts or testimony that has been shaped, altered, or affected, directly or indirectly, by the officer's compelled statement.[21] Therefore, the investigators conducting the independent investigation may not receive any compelled statements from an involved officer or any investigative content that was informed by such compelled statements.[22]

b. Compelled Statements Taken During This Incident

The involved officer in this incident was compelled to provide a statement to their agency during an administrative investigation. Although the compelled statement and information derived from such a statement cannot be used to support criminal charges against an involved officer, a credible compelled statement provides insight into the potential testimony of an involved officer. At times, such a statement may be useful to the Team in analyzing a use of force incident and may be used in support of a finding of no criminal liability for the officer's actions. While the involved officer provided a compelled statement to their agency during an administrative investigation, the Team did not review or rely upon the involved officer's compelled statements.

VI. POTENTIAL IMPEACHMENT INFORMATION

Law enforcement agencies are required to report misconduct that an officer has engaged in that affects their credibility.[23] In turn, each county prosecutor is required to develop and adopt a written protocol addressing potential impeachment disclosures pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law.[24] The Team has confirmed that, to its knowledge, there is no potential impeachment information regarding an officer involved in this incident.

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[21] U.S. v. North, 910 F.2d 843, 857-858 (D.C. Cir., 1990).
[22] WAC 139-12-030.
[23] RCW 10.93.180(2)(a)(ii).
[24] RCW 10.93.180(1)(a).

VII. LEGAL STANDARD AND APPLICABLE REVIEW

In a criminal prosecution, the State must prove each element of a criminal charge to the factfinder by competent evidence beyond a reasonable doubt.[25] The KCPAO will file charges if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defenses that could be raised under the evidence, would justify conviction by a reasonable and objective factfinder.[26]

In addition, the State must disprove the existence of a defense that negates an element of the crime to the factfinder beyond a reasonable doubt.[27] Prosecution should not be declined because of an affirmative defense unless the affirmative defense is of such nature that, if established, would result in a complete defense for the accused and there is no substantial evidence to refute the affirmative defense.[28]

VIII. ANALYSIS AND CONCLUSION

1. Summary of Conclusion

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 factfinder. Prosecution should not be declined because of an affirmative defense unless the affirmative defense is of such nature that, if established, would result in complete freedom for the accused and there is no substantial evidence to refute the affirmative defense."[29]

The KCPAO declines to file charges against any law enforcement officers involved in this incident because the independent investigation and the Team's analysis reveal the officers lawfully took Krzyzewski into custody, arrested him due to probable cause he committed a felony, and applied lawful force to effectuate the arrest.

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[25] RCW 9A.04.100; WPIC 4.01.
[26] KCPAO Filing and Disposition Standards.
[27] WPIC 14.00.
[28] KCPAO Filing and Disposition Standards.
[29] KCPAO Filing and Disposition Standards.

2. Application and Analysis

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.[30] Use of force is lawful when necessarily used by a police officer in the performance of a legal duty.[31] An example of a legal duty occurs when the police officer is using force to effect an arrest.[32] Necessary means that no reasonable alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.[33]

In this instance, the RPD officers responded to the apartment complex after 911 callers reported Krzyzewski was firing a gun inside an apartment building. Additionally, given that 911 callers also reported Krzyzewski was screaming incoherently and yelling for help, it is plausible the officers may also have assumed that Krzyzewski was under the influence of alcohol or controlled substances or in a state of mental distress. Based on this information, officers possessed probable cause that Krzyzewski had committed or was committing multiple crimes, such as assault or unlawful discharge of a firearm.

The BWV from the various officers on scene supports the conclusion that officers detained and arrested Krzyzewski by placing him into handcuffs. The officers placed Krzyzewski into a recovery position to reduce the risk of injury but Krzyzewski continued to struggle with officers. At various points in the BWV, it appears officers attempted to control Krzyzewski's head so that he could not continue rubbing his face on the concrete. Additionally, it appears an officer placed his hand underneath Krzyzewski's head to create a barrier between Krzyzewski's head and the concrete. It does not appear, however, that any officer engaged in an action that restricted Krzyzewski's ability to breathe. For example, the BWV contains no instances where officers used any type of neck restraint like a chokehold, kneeled on Krzyzewski's chest, back or neck, or interfered with his ability to breathe. Finally, based on the medical examiner's opinion, it appears Krzyzewski's cause of death is attributable to the effect cocaine had upon his body during the incident. The investigation and the Team's analysis support the conclusion that the

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[30] RCW 10.31.100.
[31] RCW 9A.16.020.
[32] RCW 10.120.020,
[33] RCW 9A.16.010.

officers' actions did not cause Krzyzewski's death. Moreover, the investigation and the Team's analysis conclude the officers lacked any criminal intent, recklessness, or negligence during the incident. Therefore, the State would almost certainly fail to meet its burden to prove criminal charges beyond a reasonable doubt.

IX. KING COUNTY INQUEST PROGRAM

1. General Information

In King County, an inquest is likely required when a civilian dies during an interaction with law enforcement. Specifically, pursuant to the King County Charter, an inquest shall be held to investigate the causes and circumstances of any death where 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.[34] An inquest is an administrative, fact-finding inquiry into and review of the manner, facts and circumstances of the death of an individual.[35] In Family of Butts, the Washington State Supreme Court held the King County Executive has discretion to determine how an inquest will be conducted so long as there is no "direct and irreconcilable conflict" with state law.[36]

2. Significant Differences Between an Inquest and a Criminal Prosecution

Although an inquest investigates a death, the inquest "does not make any binding adjudicative determinations of civil or criminal liability."[37] Consequently, there are significant procedural differences between an inquest and a criminal trial, which include, but are not limited to the following:

- Inquests in King County are conducted by the King County Inquest Program, which is overseen by the Department of Executive Services. The KCPAO and the Department of Executive Services are separate county departments.

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[34] King County Charter §895.
[35] Executive Order PHL 7-1-6 EO.
[36] Family of Butts, 198 Wn.2d 27, 44-45 (2021).
[37] Executive Order PHL 7-1-6 EO.

- In a criminal trial, the prosecution is prohibited from introducing or relying at all on inadmissible evidence, including an officer's compelled statement.
- In a criminal trial, the jury consists of twelve individuals as opposed to six individuals in an inquest jury.
- In an inquest, no party has a burden to prove or disprove facts and the jury may render a split verdict. However, in a criminal trial, the prosecution must convince a unanimous jury of twelve individuals that each element of a criminal charge occurred beyond a reasonable doubt and the prosecution must also disprove the existence of a defense that negates an element of the crime beyond a reasonable doubt.
- The inquest jury is not given a complete set of jury instructions that accurately defines the available defenses a defendant would raise and need to be disproven beyond a reasonable doubt at a criminal trial.

3. Requirements of the King County Prosecuting Attorney's Office

Pursuant to Executive Order PHL 7-1-6 EO, the KCPAO shall inform the King County Inquest Program Manager in writing whenever the KCPAO becomes aware of a person's death following an interaction with law enforcement or while in the custody of law enforcement. The KCPAO shall also forward a copy of the investigative records to the Inquest Program. The KCPAO has previously complied with these requirements.