



Sacramento County District Attorney's Office

THIEN HO
District Attorney

Date: April 17, 2023

To: Captain Vanessa Vaden, Commander
Sacramento County Sheriff's Department
Correctional Services Unit
651 I Street
Sacramento, CA 95814

From: Sacramento County District Attorney's Office

Re: In-Custody Death – Justin Smith (DOB 10/25/1974)
SSO Report No. 2022-237534
Date of Incident – August 12, 2022

The above case was referred to this office for review of the circumstances surrounding the death of inmate Justin Smith at the Kaiser Permanente South Sacramento Medical Center (Kaiser South) after a “compassionate release” from custody in the Rio Cosumnes Correctional Center (RCCC). The case was submitted to the District Attorney's Office on December 1, 2022.

Smith was arrested and booked into the Sacramento County Main Jail on April 27, 2022. Smith was booked pursuant to “no bail” arrest warrants after failing to successfully complete misdemeanor diversion programs for five earlier controlled substances offenses. At booking, Smith was medically screened and deemed fit for incarceration. Smith was transferred to RCCC on May 28, 2022.

On July 18, 2022, Smith was deleted from the diversion programs and ordered to serve an additional one year in custody.

On August 4, 2022, Smith was being held in the Medical Housing Unit at RCCC. Smith was transported by non-emergency ambulance to Kaiser South after complaining of shortness of breath. Medical staff at Kaiser South determined that several procedures, including surgery, were necessary. Smith refused to cooperate with staff attempting to prepare him for the procedures. Smith was then discharged and returned to RCCC on August 9.

On August 11, 2022, Smith was again medically transported to Kaiser South while suffering from shortness of breath and pneumonia. Kaiser South Emergency Room personnel determined Smith needed oxygen. However, Smith refused to wear an oxygen mask. Smith was then placed on a ventilator.

At approximately 5:00 p.m., Smith went into cardiac arrest. Medical staff began to perform cardiopulmonary resuscitation (CPR). Smith's vital signs then stabilized. Medical staff noted that Smith appeared to be experiencing pneumonia, septic shock, heart failure, renal failure, and liver failure. Smith was transported to the Intensive Care Unit at approximately 6:50 p.m.

At approximately 10:30 p.m., Sacramento County Superior Court Judge Michael Sweet authorized the compassionate release of Smith from jail custody. Smith remained at Kaiser South for treatment.

At approximately 12:20 a.m. on August 12th, Smith went into cardiac arrest a second time. Medical staff performed CPR and stabilized Smith's vital signs. CPR was halted. Smith remained on the ventilator.

At approximately 12:41 a.m., Smith went into cardiac arrest a third time. CPR was again performed until Smith's vital signs stabilized at approximately 12:48 a.m.

Approximately two minutes later, Smith went into cardiac arrest a fourth time. CPR was resumed until approximately 1:07 a.m. At that time, Kaiser South Medical Director Gregory Marelich, M.D., pronounced Smith deceased. No autopsy was performed.

No evidence of criminal misconduct is presented or suggested in any of the supporting reports. Accordingly, the District Attorney's Office will take no further action in this matter.

Cc: Francine Tournour, Sacramento County Office of Inspector General
Sacramento County Sheriff's Office Lieutenant Janae Galovich
Kimberly Gin, Sacramento County Coroner's Office