



Sacramento County District Attorney's Office

THIEN HO
District Attorney

DATE: November 10, 2025

TO: Chief Katherine Lester
Sacramento Police Department
5770 Freeport Boulevard
Sacramento, CA 95822

FROM: Sacramento County District Attorney's Office

RE: In-Custody Death – Joseph Lee Hendricks (DOB 4/13/59)
SPD Report No. 2023-179508
Date of Incident – 6/7/2023

The District Attorney's Office has completed an independent review of the above-referenced in-custody death. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the death of Joseph Hendricks. For the reasons set forth, we find no evidence of criminal misconduct.

The District Attorney's Office received and reviewed written reports and other items, including: Sacramento Police Department report number 2023-179508 and related dispatch logs and recordings; witness interviews; photographs; body-worn camera and other video recordings; Sacramento County Laboratory of Forensic Services reports; and the Sacramento County Coroner's Final Report of Investigation.

FACTUAL SUMMARY

On June 27, 2023, at approximately 4:13 a.m., Joseph Hendricks was driving his vehicle, a black Acura MDX, and collided with a parked silver Honda Accord in front of a residence on 51st Avenue. A person was sleeping inside the Accord on the front passenger seat. Hendricks stated that he needed to leave because he did not have insurance. Hendricks walked across the street and started banging on the house door and windows. He then proceeded to the side of the house and disappeared.

At approximately 4:26 a.m., the Sacramento Police Department (SPD) received a call regarding a subject climbing a gate at the caller's residence. The caller could hear the subject and a dog barking. The caller also heard noises consistent with the subject being in pain and vomiting, as well as attempting to climb the fence.

Ten minutes later, SPD received a call from another neighbor advising that a subject was on the side of the caller's residence.

At approximately 4:34 a.m., SPD Officers Eric Gomez #539 and Tyler Russell #483 responded to the scene. Upon arrival, the officers observed the collided vehicles on the north curb at 51st Avenue. The MDX was facing the wrong direction.

Officer Russell approached a residence and heard slow breathing and shuffling in the side yard. Officer Gomez heard grunting or groaning. The officers contacted Joseph Hendricks in the side yard. Officer Russell asked Hendricks what he was doing. Hendricks replied that he was looking for stairs. Officer Russell said there were no stairs. The officers asked Hendricks to step out of the side yard and walk towards them. As Hendricks approached the officers, he made loud grunting noises. Hendricks appeared disheveled, his pants were around his ankles, and he was wearing dirty boxers. He needed to hold onto the house and fence to maintain his balance while walking.

Hendricks stated that he lived at this address, but Officer Russell told Hendricks that was incorrect. Hendricks stated that he needed to urinate. The officers asked Hendricks to walk out to the street. Hendricks began walking towards the front door of the residence, so Officer Gomez attempted to stop Hendricks' movements. Hendricks was not stable and appeared to be falling so the officers each held one arm to help Hendricks to walk away from the house. After walking a short distance, Hendricks repeated that he needed to sit down, bent down, dropped to his buttocks, and then fell backwards onto his back.

Officer Russell asked Hendricks if he was involved in a vehicle collision which resulted in an injury. Hendricks confirmed that he had an eye injury from the collision. The officers asked Hendricks what his first name was. He replied, "Joseph." Officer Gomez located Hendricks' wallet and confirmed his identification. Hendricks had trouble breathing and stopped communicating to the officers, who immediately requested Sacramento Fire Department (SFD) to respond to their location.

The officers rolled Hendricks onto his side, and he became unresponsive. The officers requested SFD to respond Code 3¹ and immediately performed cardiopulmonary resuscitation (CPR) on Hendricks. They continued to perform CPR until fire and medic personnel arrived at the scene.

Hendricks was transported to Kaiser Permanente South Sacramento Medical Center. He was pronounced deceased at 5:40 a.m.

A femoral blood sample collected from Hendricks was analyzed by the Sacramento County District Attorney's Office Laboratory of Forensic Services. The blood sample showed the presence of methamphetamine, amphetamine, and buprenorphine.

¹ Code 3 indicates to consider the call an emergency response and proceed immediately, including utilizing emergency lights and sirens as reasonably necessary.

An autopsy was performed by Dr. Jason P. Tovar, a certified pathologist with the Sacramento County Coroner's Office. Dr. Tovar determined Hendricks' cause of death to be methamphetamine intoxication. The manner of death was classified as an accident.

Surveillance videos and body worn camera videos were reviewed. The videos depict the events as described above. The surveillance video also showed Hendricks walking away from the vehicle collision and crossing the street toward residences on the south side of 51st Avenue.

Investigators searched Hendricks' Acura MDX. They located two prescription pill bottles labeled "Buprenorphine 8mg/Nalaxone" containing multiple pills.

LEGAL ANALYSIS:

The Office of the District Attorney reviews deaths that occur while in police custody to assess and apply the law relating to police use of force and to determine if the officers' acts fall within the state laws of criminal responsibility. This office conducted its review by applying the facts of this case to the controlling legal authority.

Here, a concerned resident called law enforcement to report someone climbing their fence and accessing their property. Officers arrived at the residence, observed two collided and damaged vehicles facing each other in front of the residence, and located Hendricks in a neighbor's backyard. Hendricks incorrectly alleged that he lived at the house, made loud grunting noises, and had difficulty maintaining his balance while walking. Based on their observations and Hendricks' statement, the officers had reasonable suspicion to detain Hendricks for driving under the influence and unlawfully entering onto the property of the neighbor without consent. (See California Penal Code sections 834 and 835a; *Terry v. Ohio* (1968) 392 U.S. 1, 27.)

The officers' efforts to detain and take Hendricks into custody were lawful, and there is no credible evidence to support a finding that any of the officers tried to harm him. In fact, because Hendricks was physically unstable and had difficulty breathing, the officers needed to assist Hendricks to safely walk towards the street. Therefore, the only possible source of criminal liability is under California Penal Code section 192(b), involuntary manslaughter. The relevant portion of Penal Code section 192(b) defines involuntary manslaughter as a "killing . . . in the commission of a lawful act which might produce death . . . without due caution and circumspection." The statutory phrase "without due caution and circumspection" has been described by the California Supreme Court as the equivalent of "criminal negligence." (See *People v. Penny* (1955) 44 Cal.2d 861, 869-880; *People v. Stuart* (1956) 47 Cal.2d 167, 173-174.)

Under California law, more than ordinary negligence is required to support a charge of involuntary manslaughter. Evidence must prove that a person acted in an aggravated, culpable, gross, or reckless manner, a manner so imprudent as to be incompatible with a proper regard for human life, or in other words, a disregard of human life or an indifference to consequences of the act. (*Somers v. Superior Court* (1973) 32 Cal.App.3d 961, 968-969.) Further, the evidence must prove that the consequence of the negligent act could reasonably have been foreseen, and it must appear that the death or danger to human life was not the result of inattention, mistaken judgment

or misadventure, but the natural and probable result of an aggravated, reckless, or grossly negligent act. (*People v. Villalobos* (1962) 208 Cal.App.2d 321, 326-328; *People v. Rodriguez* (1960) 186 Cal.App.2d 433, 437-441.)

Although the term “negligence” is used in both criminal and civil actions, it is defined differently in each. Criminal negligence differs from civil, or “ordinary negligence,” in that it requires a finding of more aggravated reckless conduct (i.e., the standard of measuring the conduct itself is greater). Furthermore, criminal negligence requires a higher standard of proof than ordinary negligence (i.e., proof beyond a reasonable doubt). The determination of whether or not conduct rises to the level of criminal negligence must be determined from the conduct itself and not from the resultant harm. (*Somers v. Superior Court*, *supra*, 32 Cal.App.3d at p. 969; *People v. Rodriguez*, *supra*, 186 Cal.App.2d at p. 440.)

Here, Officers Gomez and Russell acted reasonably when they detained Hendricks. After assessing Hendricks’ physical condition and determining he did not belong in the side yard, the officers asked Hendricks to step out of the yard and walk towards them. As he walked forward, Hendricks maintained his balance by holding onto the house and fence.

Although the officers asked Hendricks to walk out to the street, he stated that he needed to urinate and began walking towards the front door of the residence. Hendricks was unstable and could have easily fell, so the officers stopped Hendricks, held his arms, and helped Hendricks to walk away from the house. Hendricks walked a short distance, bent down, dropped to his buttocks, and fell backwards onto his back.

After a short dialogue between Hendricks and the officers, the officers immediately requested SFD and medics to respond to their location because Hendricks had trouble breathing and stopped communicating to the officers. The officers rolled Hendricks onto his side, and he became unresponsive. The officers immediately performed CPR on Hendricks until fire and medic personnel arrived at the scene.

Therefore, considering the totality of circumstances, the officers did not act in an aggravated, culpable, gross or reckless manner. Nor did they act with a disregard for human life or an indifference to the consequences of their actions.

CONCLUSION

Applying the controlling legal standards to the factual record in this case, there is no evidence to support an allegation of criminal negligence or excessive force against Officers Gomez and Russell. Rather, the evidence supports a finding that the officers’ conduct was reasonable given the circumstances they encountered.

Accordingly, we will take no further action in this matter.

Cc: Sacramento Police Sergeant Joseph Ellis #3132
Sacramento Police Officer Eric Gomez #539
Sacramento Police Officer Tyler Russell #483
Rosa A. Vega, Sacramento County Coroner's Office
Interim Director, Office of Public Safety and Accountability