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Sacramento County District Attorney's Office

THIEN HO  
District Attorney

Date: December 18, 2023

To: Captain Matthew Owens, Commander  
Sacramento County Sheriff's Office  
Correctional Services Unit  
651 I Street  
Sacramento, CA 95814

From: Sacramento County District Attorney's Office

Re: In-Custody Death – Kenneth Rodney Diaz (D.O.B. 12/09/1962)  
SSO Report No. 2022-134317  
Date of Incident – May 9, 2022

The above case was referred to this office for review of the circumstances surrounding the death of inmate Kenneth Diaz while in the custody of the Sacramento County Main Jail on May 11, 2022.

On May 4, 2022, Diaz was booked into the Sacramento County Main Jail. Diaz was charged with a violation of his parole based upon a presumptive positive urinalysis test for methamphetamine and amphetamine. Diaz admitted to his parole agent that he used methamphetamine on April 28, April 29, and April 30, 2022.

On Monday, May 9, 2022, Diaz was housed in cell #8 in the 100 Pod of the Main Jail. At approximately 7:55 p.m., Sacramento Sheriff Deputy John Lewis observed that inmate Diaz was unable to get up and grab his medication during morning pill call. Diaz told Deputy Lewis that his back hurt for the past four days. Diaz's cellmate took the medication and handed it to Diaz. Later that evening, Deputy Lewis observed Diaz either leaning on the lower bunk or laying on the ground trying to find a comfortable position for his back.

At approximately 11:44 p.m., Deputy Lewis was conducting a cell check. He noticed Diaz was lying naked, face down on the ground. The floor was wet. Diaz had a towel and was bathing himself on the floor of the cell.

Deputy Lewis opened the cell door to check on Diaz. Diaz stated his back hurt, he was having back spasms, and he could not breathe well. Deputy Lewis suggested for Diaz to roll over and lay on his back so he could breathe better. Diaz rolled over on his back but complained that his back hurt more in that position.

Deputy Lewis returned to the control room at approximately 11:55 p.m. to request medical assistance for Diaz.

At approximately 11:58 p.m., two members of the jail nursing staff and Deputy Erik Fuerstenberger responded to the floor to check on Diaz. The nurses assessed Diaz and requested that he be brought down to the medical floor. At this time, Diaz's words were slurred, and he was unable to formulate sentences. Diaz was unable to move his right leg. Deputy Fuerstenberger and Deputy Lewis removed Diaz from his cell and placed him into a wheelchair.

Shortly thereafter, at approximately 12:06 a.m. on May 10, 2022, Lewis was transported to the medical floor. An ambulance was requested at approximately 12:12 a.m. At approximately 12:13 a.m., nurses began checking Diaz's vital signs. As they did so, Diaz stopped breathing and had no pulse.

At approximately 12:14 a.m., Diaz was placed onto the floor and medical staff began cardiopulmonary resuscitation (CPR). At approximately 12:18 a.m., medical staff administered a dose of Narcan and continued CPR until Diaz's pulse returned. Diaz was in and out of consciousness until paramedics from the Sacramento Fire Department arrived at approximately 12:19 a.m. The fire paramedics immediately placed Diaz on a gurney and transported him to Sutter Medical Center.

On May 11, 2022, at approximately 6:00 p.m., Diaz was pronounced deceased.

Main Jail surveillance video was reviewed. The video depicts the events consistently with the description above.

According to the death certificate, Diaz's cause of death was septic shock due to soft tissue infection, acute kidney injury, acute hypoxemic respiratory failure, and methamphetamine abuse. No autopsy was performed by the Sacramento County Coroner's Office.<sup>1</sup>

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: Sacramento County Office of the Inspector General  
Sacramento Sheriff Lieutenant Janae Galovich  
Rosa Vega, Sacramento County Coroner's Office

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<sup>1</sup> Under California Government Code 27491, the Coroner's Office shall investigate and determine the circumstances, manner, and cause of death for all violent, sudden, unattended or unusual deaths. The Coroner's Office has discretion whether to investigate any death occurring under natural circumstances. If a physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the Coroner's Office may authorize that physician to sign the certificate of death.