KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	23-373-UF	Version Type:	AMENDED
Report Date:	6/7/2023 10:19 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Polk County Sheriff's Dept.	Agency Address:	1733 N. Washington
Agency City:	Livingston	Agency State:	TX
Agency Zip:	77351		

Director Information

Director Salutation:	Sheriff	Director First Name:	Byron
Director Middle Name:	A		
Director Last Name:	Lyons		
Reporter Name:	DAVID SOTTOSANTI	Reporter Email:	dsottosanti@polkcountyso.net

Decedent Information

Identity of Deceased

First Name: JOSE

Middle Name: LUIS

Last Name: HERNANDEZ

Suffix:

Date of Birth: 1/30/1957 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 66

Date/Time of Custody (arrest, incarceration) (mm/dd/yyyy hh:mm AM/PM):

Date/Time of Custody or Incident: 4/2/2023 8:07 PM

Date/Time of Death (mm/dd/yyyy hh:mm AM/PM):

Death Date and Time: 4/2/2023 8:52 PM

Manner / Cause of Death

Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

Medical Examiner/Coroner Evaluation?: Yes, results are available

What was the manner of death? (select only one)

Manner of Death: Homicide (includes Justifiable Homicide)

Medical Cause of Death:

Medical Cause of Death:

Multiple gunshot wounds.

Had the decedent been receiving treatment for the medical condition that caused the death after admission to your jail's jurisdiction?

Medical Treatment:	No

If death was an accident, homicide or suicide, who caused the death?

Who caused the death?:	Law enforcement/correctional personnel

If a weapon caused the death, what type of weapon caused the death? (Hold CTRL to select all that apply)

Type of weapon that caused death?:	Handgun; Rifle/shotgun

Was the cause of death the result of a pre-existing medical condition or did the decedent develop the condition after admission?

Pre existing medical condition?:	Not Applicable; cause of death was accidental injury, intoxication, suicide or homicide

If death was an accident, homicide or suicide, what was the means of death?

Means of Death:	Firearm

Location / Custody Information

Where did the event causing the death occur?

Street Address:	111 PAN AMERICAN DRIVE	City:	Livingston
County:	Polk	Zip:	77351

What location category best describes where the event causing the death occurred?

Location Category: Business

What type of custody/facility was the Decedent in at the time of death:

Type of Custody: Pre-Custodial Use of Force

Specific type of custody/facility:

Specific Type of Custody/Facility:

N/A

What was the time and date of the deceased's entry into the law enforcement facility where the death occurred (mm/dd/yyyy hh:mm AM/PM):

Entry Date Time:

Entry Date Time N/A: ✓

Where did the death occur?

Death Location: Scene of incident

General Information

Did any other law enforcement agencies respond to calls for service related to this incident?

Other Agencies Respond?:	Yes

What were the most serious offense(s) with which the deceased was (or would have been) charged with at the time of death?

Offense 1:

AGGRAVATED ASSAULT WITH DEADLY WEAPON ON PEACE OFFICER

Offense 2:

AGGRAVATED ASSAULT WITH DEADLY WEAPON

Offense 3:

Were the Charges::	Not filed at time of death

What were the types of charges or reason for contact? (Hold CTRL to select all that apply)

Type of Offense:	Violent Crime Against Persons

At any time during the incident and/or entry into the law enforcement facility, did the decedent display or use a weapon?

Decedent display/use of weapons:	Yes, mark all that apply
Decedent Display or Use Weapon Details:	Displayed firearm without discharge

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Attempt to Injure Others?:	Yes (select all that apply)
Ways Decedent Attempted To Injure Others:	Attempted to injure civilian(s) or other inmate(s)

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Appear intoxicated (alcohol or drugs):	Yes	Make suicidal statements?:	No
Exhibit any mental health problems?:	Unknown	Exhibit any medical problems?:	Unknown

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Barricade self or initiate standoff?:	Yes	Resist being handcuffed or arrested?:	No
Physically attempt/assault officer(s):	No	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	Yes	Escape or attempt to escape/flee custody:	Yes
Attempt gain possession officer's weapon:	No		

Was the deceased under restraint in the time leading up to the death or the events causing the death?

Under Restraint:	No

Summary of Incident

Summary of How the Death Occurred: (max. 30,000 characters)

Summary:

The Polk County Sheriff's Office received a call to assist the Livingston City Police Department, in reference to a male subject with a handgun, walking around the Shell station and pointing the weapon at citizens stating that he was going to kill them.

PCSO Deputies arrived with City PD units and immediately challenged the subject to drop his weapon, in English and in Spanish. The subject was given multiple orders to drop the weapon. The subject then raised the weapon and pointed it towards officers and the officers responded by firing their weapons, striking the subject, who immediately fell to the ground. Officers then immediately began life-saving measures until EMS arrived and transported the subject to the Livingston CHI St. Luke's Health Memorial Hospital, where he succumbed to his injuries.