KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	20-959-CJ	Version Type:	AMENDED
Report Date:	2/26/2021 11:39 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Starr County Sheriff's Dept.	Agency Address:	102 East 6th Street
Agency City:	Rio Grande City	Agency State:	TX
Agency Zip:	78582		

Director Information

Director Salutation:	Sheriff	Director First Name:	Rene
Director Middle Name:			
Director Last Name:	Fuentes		
Reporter Name:	Jose Molina	Reporter Email:	rmolina@starrcountyso.org

Decedent Information

Identity of Deceased

First Name: Alberto

Middle Name:

Last Name: Pena

Suffix:

Date of Birth: 2/15/1990 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 30

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

Date/Time of Custody or Incident: 8/13/2020 9:12 PM

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

Death Date and Time: 8/13/2020 10:07 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: Accidental

Medical Cause of Death:

Medical Cause of Death:

cardiorespiratory arrest while under the influence of mixed drugs

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?:	Not applicable

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?:	Not Applicable

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:	Other, specify
Means of Death Other:	Cardiorespiratory Arrest While Under the Influence of Mixed Drugs

Location / Custody Information

Where did the event causing the death occur?

Street Address:	100 East 6th St.	City:	Rio Grande City
County:	Starr	Zip:	78582

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

Location Category:	Law Enforcement Facility

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

Type of Custody:	County Jail

Specific type of custody/facility:

Specific Type of Custody/Facility:
Jail - detox cell

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:	8/13/2020 3:16 PM

Where did the death occur?

Death Location:	Medical facility

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:

Criminal Mischief >=$100<$750

Offense 2:

Offense 3:

Were the Charges:: Filed

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

Type of Offense: Crime Against Property

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: No

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

Attempt to Injure Others?: No

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?: No

Exhibit any medical problems?: No

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

Barricade self or initiate standoff?:	No	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:	No	Escape or attempt to escape/flee custody:	No
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:	Yes, mark which restraint devices were used

Type of restraint

Type of Restraint:	Other device, specify
Other device, specify:	The Wrap by safe restraints, Inc.

Summary of Incident

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

Summary:

On Thursday August 13, 2020 at 3:31 pm Starr County Sheriff's Deputies brought in a detainee by the name of Alberto Pena date of birth 02/15/1991 from 48 Frenso Circle inn Rio Grande City Texas 78582 for the offence Criminal Mischief. Alberto Pena was placed in the Starr County jail detox holding cell alone. During his stay Alberto was violent and uncooperative with jail staff. At one point while jail supervisor is trying to calm Alberto he hits himself on the cell door with is forehead. The shift Sergeant and other jailers enter the cell and talk to Alberto Pena to calm him down. Later on the same evening at 6:53 p.m. Alberto becomes aggressive again and subsequently the shift Sergeant in view of the camera places Alberto Pena in the Wrap Restraint System and sits Alberto in the roll cart for the Wrap. The Roll cart is placed inside detox cell directly in front of the cell camera. While Alberto is in the wrap he is constantly fighting the Wrap system and at 7:50p.m. he manages to get himself out of the roll cart and makes his way to the cell door to kick it. Alberto Pena is then again placed in the roll cart and is asked to calm down by the jail staff. At 8:00pm shift change and the next

crew shows up for duty under the supervision of the shift Sergeant . At 8:50 p.m. jail staff bring Alberto's cousin who is down the hall in a max cell who also attempts to calm Alberto Pena who is still combative and fighting with the wrap restraints. Alberto made no outcry or notified the jail staff that of any medical distress or trouble breathing. The last cell check was at 8:53p.m. At 9:12p.m. Jailer conducting cell checks sees that Alberto is not moving and goes to the picket for backup. Jail staff immediately remove Alberto from the roll cart and the wrap and start emergency first aid CPR. EMS and Fire respond to the jail within minutes and Alberto Pena is transported to the hospital where is pronounced dead at 10:07p.m. by the attending doctor. Texas Rangers are notified by Chief Jose R. Molina of the situation and Ranger Donato Vela Arrives and takes over the investigation. Hospital staff did advise that Alberto Pena's toxicology showed cocaine, marijuana, and alcohol in his blood work. After reviewing the cell video Alberto Pena Chief Molina and Ranger Vela noticed that Alberto stopped moving at 9:01p.m. The autopsy was conducted the following day by Dr. F.P. Salinas, M.D., P.A. from McAllen Texas at Elizondo Mortuary & Cremation 3220 N. Conway Ave. Mission Texas 78574. Autopsy # A-20-20 Authorized by Justice of the Peace Luis Garcia who listed the time and date of death at 1:06AM 08/14/2020. The autopsy preliminary report shows that the cause of as cardiorespiratory arrest while under the influence of mixed drugs and the manner of death as accidental with pending toxicology report. On 2/26/2021 I received the autopsy report from Ranger Vela and is available.