KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	21-1485-C	Version Type:	AMENDED
Report Date:	11/8/2021 10:36 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	McAllen Police Dept.	Agency Address:	PO BOX 220
Agency City:	McAllen	Agency State:	TX
Agency Zip:	78505		

Director Information

Director Salutation:	Chief	Director First Name:	Victor
Director Middle Name:			
Director Last Name:	Rodriguez		
Reporter Name:	Victor Rodriguez	Reporter Email:	vrodriguez@mcallenpd.net

Decedent Information

Identity of Deceased

First Name: Carlos

Middle Name: Teofilo

Last Name: Garza

Suffix:

Date of Birth: 12/26/1982 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 38

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

Date/Time of Custody or Incident: 11/3/2021 10:13 AM

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

Death Date and Time: 11/3/2021 11:00 AM

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 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?: Could not be determined

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

Means of Death: Unknown

Location / Custody Information

Where did the event causing the death occur?

Street Address:	1400 Block South 10th Street	City:	McAllen
County:	Hidalgo	Zip:	78504

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

Location Category: Roadway/highway/street/sidewalk

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

Type of Custody: Police Custody (pre-booking)

Specific type of custody/facility:

Specific Type of Custody/Facility:

Custody of Law Enforcement Personnel during/fleeing arrest

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?: No

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

Offense 2:

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:	No

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:	Injured law enforcement personnel; 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?:	No	Resist being handcuffed or arrested?:	Yes
Physically attempt/assault officer(s):	Yes	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:	Yes, mark which restraint devices were used

Type of restraint

Type of Restraint:	Handcuffs

Summary of Incident

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

Summary:

This information from Call-For-Service (CFS) information.

Nature of CFS: Disturbance (In-Progress).
Date: 11/03/2021.
Time: 10:13 AM.
Location: 1400 Block S. 10th Street McAllen, Texas.

CFS Summary: Reporting Persons (RPs) called the McAllen Police Department and reported that a “male is screaming, possibly intoxicated, unknown if [male suspect had] weapons … male is bothering customers …male is currently inside the restaurant.”

Multiple Calls-For-Service and restaurant employees activated their alarm system regarding this incident.

At:

10:17 AM, Responding Officers located the male suspect inside the restaurant, standing between the restaurant door and the restaurant employees and customers who had huddled together. Reporting Officers determined that the male suspect had threatened the restaurant employees and customers to not attempt to leave the restaurant, that the huddled employees and customers were there against their will, and that the huddled employees and customers were in fear of their safety.

The Responding Officers attempted to verbally engage the suspect and offered to assist him. The suspect continued screaming, at times the screaming was undecipherable and at times the suspect claimed that he knew “how you [Police Officers] work”. During the attempted interaction with the male suspect, Responding Officers began to evacuate employees and customers through a side door.

10:20 AM, The male suspect saw one (1) customer exiting and running onto the restaurant parking lot towards the customer’s personal vehicle. The male suspect gave chase and attempted to prevent the customer from leaving. The Responding officers pursued the male suspect onto the parking Lot and towards 10th Street. At 10th Street, the male suspect stumbled and collapsed on the northbound lanes of 10th Street. At that point, the Responding Officers attempted to subdue and place the suspect in custody. In this course, the male suspect resisted the Responding Officer’s attempt to place in custody. The male suspect’s resistance included biting and causing serious injury to Responding Officers.

10:23 AM, The Responding Officers reported that the male suspect was in custody and they requested Emergency Medical Services for injured Officers.

10:26 AM, The Responding Officers reported that the male suspect was not breathing and begin CPR procedures on the male suspect. CPR procedures were continued until Emergency Medical Services arrived on site.

10:29 AM, The Responding Officers reported that Emergency Medical Services and McAllen FD were on site and that both agencies continued chest compressions on the male suspect.

10:47 AM, The Responding Emergency Medical Services transported the male suspect to the Hospital: and at

11:00 AM, The male suspect passed away at McAllen Medical Center.

Justice of the Peace R. Contreras ordered an autopsy.

The male suspect was tentatively identified as Carlos Teofilo Garza.

The following Officers were injured during this incident:
Officer Ricardo Gallardo was treated for injuries to his left arm. Officer Gallardo is a 19-year Officer.
Officer Mike Garcia was treated for minor scratches. Officer Garcia is a 14-year Officer.
Officer James Martinez was treated at local hospital for bite injuries to his hand