KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	22-337-UF	Version Type:	ORIGINAL VERSION
Report Date:	3/22/2022 3:39 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Atascosa County Sheriff's Dept.	Agency Address:	1108 Campbell Ave.
Agency City:	Jourdanton	Agency State:	TX
Agency Zip:	78026		

Director Information

Director Salutation:	Sheriff	Director First Name:	David
Director Middle Name:			
Director Last Name:	Soward		
Reporter Name:	Matthew Miller	Reporter Email:	matt.miller@acso-tx.org

Decedent Information

Identity of Deceased

First Name: Jose

Middle Name: Luis

Last Name: Rocha

Suffix:

Date of Birth: 8/28/1975 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 46

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

Date/Time of Custody or Incident: 2/27/2022 10:31 AM

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

Death Date and Time: 2/27/2022 12:23 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 pending

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

Manner of Death: Pending autopsy results

Medical Cause of Death:

Medical Cause of Death:

Unknown

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

Medical Treatment: Not Applicable

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?: Pre-existing medical condition

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:	700 Woodland Hills Road	City:	Poteet
County:	Atascosa	Zip:	78065

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: Pre-Custodial Use of Force

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?: 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:

Resisting Arrest

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: Alcohol / drug offense; Medical / Mental Health assistance call

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?: Yes

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):	No	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	No	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:

On February 27, 2022, at approximately 1023 hours, Deputy J. Walker #638, was dispatched to 700 Woodland Hills Rd, north of Poteet. The caller advised that she needed assistance with her husband that was outside yelling someone was going to kill him. She also advised he is a cocaine user and is possibly under the influence of cocaine. She informed dispatch that officers should use caution as he has been in a similar situation in San Antonio and officers used a taser on him.

Deputy J. Walker arrived on scene at approximately 1030 hours and observed a male subject, who was later identified as Jose Luis Rocha Jr., DOB: 08/28/1975, laying on his back in the middle of Woodland Hills Rd in front of the driveway for 700 Woodland Hills Rd. Rocha was throwing his arms in the air and kicking his feet up in the air and yelling. There were three other people standing in the roadway talking to him. One was his wife Tonya Aguilar who was the caller. She told Deputy J. Walker that "he took something and thinks I am going to kill him." Deputy J. Walker began to try and calm Rocha down and ask him what was going on today. At this time Rocha got up on his knees and began walking away from Deputy J. Walker while still on his knee. His wife then informed Deputy J. Walker he is afraid of cops. Rocha then stood up to walk away from Deputy J. Walker. He was holding his hands high over his head. Deputy J. Walker told Rocha to "calm down" and to "come talk to him." Rocha then laid down on the ground face up crossing his hands over his head and crossing his feet. Deputy J. Walker gave Rocha a command to roll over on his stomach. Rocha continued to lay face up and was making lots of moaning noises and muttering statements Deputy J. Walker wasn't able to

understand well. Deputy J. Walker told Rocha to calm his breathing. Rocha asked Deputy J. Walker if his "tape recorder was on" and Deputy J. Walker pointed to his camera and told him "yes, it's right here." Rocha then asked for the time and Deputy J. Walker informed him it was 1030. Rocha began to yell "no, it's not" and argued that Deputy J. Walker was not recording. Rocha then asked to be rolled over and told Deputy J. Walker to "take him in." Deputy J. Walker grabbed the left side of Rocha's blue button up shirt to roll him toward Deputy J. Walker. Rocha was not compliant in rolling over. Deputy J. Walker then pulled out a set of handcuffs and told Rocha to roll over so Deputy J. Walker could handcuff him. Deputy J. Walker reached for Rocha's right wrist and made an attempt to place a handcuff on him. Rocha resisted and began to squirm away from Deputy J. Walker on his back. Deputy J. Walker then grabbed Rocha's shirt and again tried to roll him over. Rocha continued resisting. Deputy J. Walker notified dispatch that Rocha was resisting at approximately 1033 hours. Deputy J. Walker then put his handcuffs in the waistband of his jeans and at this time grabbed Rocha's shirt and rolled him over onto his belly. During Rocha being rolled over Deputy J. Walker's body camera was knocked off his uniform and fell onto the ground. Deputy J. Walker continued making attempts to control one of Rocha's hands so Deputy J. Walker could place cuffs on him. At approximately 1034 hours Deputy J. Walker was able to get Rocha's left hand in a handcuff. Deputy J. Walker worked to keep control of that hand while attempting to gain control of Rocha's right hand. He then rolled out from under Deputy J. Walker. Deputy J. Walker continued trying to maintain control of Rocha's left hand that was cuffed. Deputy J. Walker rolled Rocha back onto his belly. Rocha tucked his left hand under his body. Deputy J. Walker attempted to gain control of Rocha's right hand. At approximately 1037 hours DPS Trooper Cory Lee arrived on scene and assisted with the resisting subject. Trooper Lee gained control of Rocha's right hand. Deputy J. Walker was able to pull Rocha's left hand from under his body. Trooper Lee hooked an additional set of handcuffs to the set that Deputy J. Walker had on Rocha. Trooper Lee then handed Deputy J. Walker a third set of handcuffs and Deputy J. Walker attached that set to the second set. While Trooper Lee had Rocha's right hand secured Deputy J. Walker applied the third set of cuffs to Rocha's right hand successfully detaining the subject. At this time Rocha was still making moaning noises. Trooper Lee called in to dispatch at 1038 hours that Rocha was detained. The officer's then rolled Rocha onto his back at approximately 1039 hours and noticed he was unresponsive and not breathing. Deputy J. Walker called into dispatch and advised them we needed EMS.

Trooper Lee immediately began CPR on Rocha. Deputy J. Walker attempted to open up Rocha's airway by tilting Rocha's head back and pushing his jaw forward. Trooper Lee continued compressions until approximately 1042 hours. Deputy J. Walker switched with Trooper Lee and continued CPR while he retrieved a mask for rescue breaths. At 1044 hours Deputies J. Mendoza #647 and I. Quintero #657 arrived on scene. Deputy Quintero stepped in for Deputy J. Walker and continued with CPR. Deputy J. Walker then switched out with Deputy Quintero at 1047 hours and continued CPR. Mendoza switched with Deputy J. Walker at 1048 hours and continued CPR. Deputy Quintero switched with Deputy Mendoza at 1049 hours continuing CPR. Deputy J. Walker removed handcuffs from Rocha at this time. At 1050 hours Deputy J. Walker switched with Deputy Quintero continuing CPR. Deputy Mendoza switched with Deputy J. Walker at 1051 hours continuing CPR. EMS unit 691 arrived on scene at 1052 hours. Deputy Quintero switched with Deputy Mendoza at 1053 hours continuing CPR. EMS personnel took over at 1054 hours. EMS personnel requested Narcan. Trooper Lee retrieved Narcan from his unit and Deputy J. Walker and Deputy Quintero administered two 4mg doses of Narcan to Rocha's right nostril. Deputy J. Walker began keeping time for EMS for vital checks and Deputy Quintero was recording what was administered to Rocha. Deputy J. Walker continued assisting EMS until Lt. M. Peralta arrived on scene at 1110 hours. Trooper Lee identified and gathered contact information from witnesses on scene. Deputy J. Walker set up a 'Sheriffs Line' to secure the scene. Deputy Mendoza and Trooper Lee gathered photographs of the scene. Judge K. Bradley arrived on scene at approximately 1218 hours. Judge Bradley called time of death at 1223 hours. An autopsy was ordered by Judge Bradley. Atascosa County Medical Examiner Transport arrived on scene at 1238 hours and took possession of Rocha's body shortly after.

On Wednesday, 03/02/2022, Sgt. Inv. Gavin Lindsay attended the autopsy of Jose Rocha, Jr., conducted at Central Texas Autopsy, located in Lockhart, TX. The autopsy was performed by Suzanna Dana, M.D. Sgt. Inv. Lindsay took photographs of Rocha, in the clothing Rocha was wearing at the time of his death. The autopsy technician, prior to removing Rocha's clothing, conducted a search of all the pockets. A crumpled up dollar bill was located in Rocha's right front pants pocket. A small baggie, containing a white powdery substance was located inside the crumpled up dollar bill. The technician then located two dollar bills that were rolled up, in a method commonly used to inhale narcotics through the nose, in Rocha's left front pant's pocket. Other personal items were located on Rocha. Sgt. Inv. Lindsay photographed all the items and took custody of the two rolled up dollar bills, as well as the crumpled up dollar bill and the small baggie of white powder. Sgt. Inv. Lindsay also received a set of the decedent's fingerprints, collected by the Technician. Once Rocha was undressed, Sgt. Inv. Lindsay took more photographs of his condition. Sgt. Inv. Lindsay observed no visible injuries to Rocha's neck or throat. Once the autopsy was complete, Dr. Dana advised Sgt. Inv. Lindsay that she found no trauma to Rocha that would have led to his death. She advised that Rocha's heart was in very poor condition and that it was not able to withstand the exertion of the struggle with Deputy Walker, especially if Rocha was under the influence of any narcotics. Samples of Rocha's blood were collected and will be sent for a toxicology analysis. At the time of this report the Medical Examiner's report or a cause of death has not been received by this agency.