KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	22-534-UF	Version Type:	AMENDED
Report Date:	3/23/2023 9:10 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Amarillo Police Dept.	Agency Address:	200 SE 3rd Ave
Agency City:	Amarillo	Agency State:	TX
Agency Zip:	79101		

Director Information

Director Salutation:	Chief	Director First Name:	Martin
Director Middle Name:			
Director Last Name:	Birkenfeld		
Reporter Name:	Cory Jones	Reporter Email:	cory.jones@amarillo.gov

Decedent Information

Identity of Deceased

First Name: Ernesto

Middle Name: Drew

Last Name: Pena

Suffix:

Date of Birth: 3/25/1996 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 26

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

Date/Time of Custody or Incident: 4/25/2022 2:06 PM

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

Death Date and Time: 4/25/2022 2:19 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:

Cranio-encephalic injuries due to contact perforating gunshot wound of head.

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

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: 1200 N Hill
City: Amarillo
County: Potter
Zip: 79107

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:

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?: 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 on a Public Servant

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: Other, specify

Type of Offense, Other:

Traffic offense. Suspicion stop

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 law enforcement personnel

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

Appear intoxicated (alcohol or drugs):	No	Make suicidal statements?:	Yes
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?:	Yes
Physically attempt/assault officer(s):	Yes	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:	No

Summary of Incident

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

Summary:

On Monday, April 25th, 2022, officers made a traffic stop in the 1200 block of N Hill Amarillo TX 79107, on black 2003 Honda Accord bearing TX tags LYB1300. Officers made contact with the driver of the vehicle who was later positively identified as Ernesto Drew Pena. Officers upon contact had Ernesto turn off the vehicle which he did. During the stop, Ernesto was asked to exit the vehicle and the driver's door was opened by an officer. Ernesto did not comply and started the vehicle. Officers gave him commands to not do this. Ernesto put the vehicle in drive and an officer was able to put his foot on the brake and was at this point on top of Ernesto. Ernesto had his foot on the gas pedal as the engine was revving very loudly. While the officer was on top of Ernesto trying to get Ernesto from fleeing, Ernesto was able to pull out a black semi-automatic handgun with his right hand. The officer began trying to control Ernesto's hand that had the gun and was telling the officer behind him that Ernesto had a gun. The second officer discharged his weapon striking Ernesto in the left temple. Officers did not render first aid as it was obvious that Ernesto was deceased.