KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number:	PA16379C	Report Date:	8/26/2016 12:29 PM
Status:	Submitted		

Agency/Facility Information

Department ID:	200	Department Type:	POLICE
Agency Name:	Dallas Police Dept.	Agency Number:	TXDPD0000
Agency Phone:	2146713654	Agency Address:	1400 S. Lamar Street
Agency City:	Dallas	Agency County:	Dallas
Agency State:	TX	Agency Zip:	75215

Director Information

Director Salutation:

Chief

Director First Name:

David

Director Middle Name:

O.

Director Last Name:

Brown

Reporter Name:	Sergeant E. Merritt #8112	Reporter Email:	e.merritt@dpd.dallascityhall.com

Location / Custody Information

Where did the event causing the death occur?

Street Address: 414 North Kramer Street

City: Dallas

County: Dallas

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 Peace Officer during/fleeing arrest

Custody Type Facility:

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: At medical facility

Death Location Elsewhere:

Decedent Information

Identity of Deceased

First Name: Portillo

Middle Name:

Last Name: Elias

Suffix:

Date of Birth: 2/27/1980 Sex: Male

Ethnicity: Hispanic

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

Death Date and Time: 8/24/2016 10:00 AM

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

Date/Time of Custody or Incident:

8/24/2016 9:45 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:

Justifiable Homicide

Manner of Death Description:

Death Reason:

Injuries only

Medical Cause of Death:

Medical Cause of Death:

Gunshot wound of the chest

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?:

Law enforcement/correctional staff

Death Causer Other:

If a weapon caused the death, what type of weapon caused the death? (mark all that apply)

Type of Death Weapon:

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

General Information

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:

Poss Controlled Substance

Offense 2:

UPF

Offense 3:

Evading arrest

Were the Charges::

Not filed at time of death

What were the types of charges or reason for contact?

Type of Offense:

Injuries of Decedent

Injured By: Injured by Officer

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

Appear intoxicated (alcohol or drugs):	No	Exhibit any mental health problems?:	
Exhibit any medical problems?:			

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

Threaten the officer(s) involved:	No	Resist being handcuffed or arrested?:	No
Try to escape/flee from custody:	Yes	Grab, hit or fight with the officer(s):	No

Other Behavior:

Specify Other Behavior:

Use weapon threaten/assault officer(s):	1

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 August 24, 2016, at approximately 9:43 a.m., Senior Corporal Wagner conducted a traffic stop on a vehicle with a paper tag. He was working as a one man element. The vehicle pulled over in the 3700 block of

West Davis St. The subject, who was the rear passenger, jumped out of the vehicle and fled on foot. Senior Corporal Wagner exited his vehicle and pursued the subject. The chase went through an auto garage shop, over through the rear yard, over the fence, and across the 400 block of North Kramer St. Senior Corporal Wagner saw the subject holding an object in his hand so he allowed some distance. The subject jumped a privacy fence into the back yard of 414 North Kramer St. The gate was locked and Senior Corporal Wagner did not jump over the fence but instead opened the door, which was chained and saw the subject standing a few feet away with a handgun. The subject did not obey verbal commands to drop the gun and pointedit at Senior Corporal Wagner, who fired one shot and struck the subject. The subject was transported to Charleston Methodist Hospital where he died. There is dash camera and civilian security camera video of the stop and foot chase, but not the actual shooting. Several civilian witnesses were interviewed and they confirm the sequence of events. The subjects handgun was recovered at the scene.