



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number: 19-1004-MJ

Version Type: ORIGINAL
VERSION

Report Date: 10/4/2019 1:54 PM

Status: Submitted

Agency/Facility Information

Agency Name: Port Isabel Police
Dept.

Agency Address: 305 East Maxan
Street

Agency City: Port Isabel

Agency State: TX

Agency Zip: 78578

Director Information

Director Salutation: Chief

Director First Name: Robert

Director Middle Name:

Director Last Name: Lopez

Reporter Name: Manuel Garza

Reporter Email: magarza@copitx.com

Decedent Information

Identity of Deceased

First Name: Axel

Middle Name: Hiram

Last Name: Gutierrez

Suffix:

Date of Birth: 12/3/1991

Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 27

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

Date/Time of Custody or
Incident: 9/26/2019 2:29 AM

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

Death Date and Time: 9/26/2019 4:03 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: Suicide

Medical Cause of Death:

Medical Cause of Death:

Male subject used own shirt and hung himself.

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

Medical Treatment: Unknown

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?: Other Weapon, specify:

Other weapon, specify:

Male subject used his own shirt

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: Hanging, strangulation

Location / Custody Information

Where did the event causing the death occur?

Street Address: 110. W. Hickman

City: Port Isabel

County: Cameron

Zip: 78578

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: Municipal Jail

Specific type of custody/facility:

Specific Type of Custody/Facility:

Jail - holding 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: 9/26/2019 4:03 AM

Where did the death occur?

Death Location: Law enforcement
facility/booking
center

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:

Driving While Intoxicated 49.04 Class B Misdemeanor

Offense 2:

Resist Arrest, Search, or Transport 38.03 Class A Misdemeanor

Offense 3:

Possession of Controlled Substance PG2 481.116 State Jail Felony

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:

Male subject failed to signal left and driving with lights off at approximately 2:29 AM. Upon contact with the male subject the Officer detected an odor of alcohol and also discovered a Liquid Vapor which tested positive for THC.

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?: Unknown

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): Unknown

Gain possession of officer's weapon: No

Verbally threaten other(s) including law: Unknown

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: No

Summary of Incident

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

Summary:

On Thursday September 26, 2019 at approximately 2:29 AM, While conducting business checks Officer Daniel Holland Badge #106 observed a Red in color Ford Ranger with TX plates FKY-9057 failing to signal left and driving with its lights off. Officer Daniel Holland #106 then gets in his marked police unit #103 and conducts a traffic stop at the 200 block of TX Hwy 100 onto S. Manatou First National Bank parking lot. While making contact with the driver he was identified as Axel Hiram Gutierrez DOB 12/09/1991 and advised him why he was being pulled over. Officer Daniel Holland #106 smelled an odor of alcohol coming from his breath or person. Sgt. Ramon Tello #206 arrived shortly. Officer Daniel Holland #106 verbally asked Ms. Gutierrez to step out of the said vehicle and his answer to that question was " No I feel safer inside the vehicle". Officer Daniel Holland #106 repeatedly asked him more times to step out of the vehicle due to him displaying furtive movements. Officer Daniel Holland #106 informed Ms. Gutierrez he was going to open the door and pull him out. Officer Daniel Holland #106 opened Ms. Gutierrez driver side door and Ms. Gutierrez made his arms and body very stiff and attempted to overpower Officer Daniel Holland #106 and Sgt. Ramon Tello #206. Officer Daniel Holland and Sgt. Ramon Tello #206 repeatedly asked Ms. Gutierrez to lay on the floor but Ms. Gutierrez refused. Mr. Gutierrez was then escorted to the floor with the least amount of force in attempt to detain him. Once on the floor and detained Ms. Gutierrez was sitting up right and Ms. Gutierrez asked why he

was was being detained. Officer Daniel Holland #106 informed Ms. Gutierrez he was being placed under arrest for suspicious of Driving While Intoxicated. Ms. Gutierrez was read his Miranda Warnings by Sgt. Ramon Tello. Ms. Gutierrez stated he wanted his lawyer before answering any questions. Ms. Gutierrez was transported to the city jail and no further action was taken.

On Thursday September 26, 2019 at approximately 4:03 AM, Dispatcher Victor Villarreal #402 got on the radio and radioed to to Sgt. Ramon Tello and Officer Daniel Holland #106 that Ms. Gutierrez had taken off his shirt and was by the cell door. Dispatcher Victor Villarreal #402 attempted to contact Ms. Gutierrez thru the speaker but to Ms. Gutierrez never responded back. Officer Daniel Holland #106 informed dispatch he was on his way from an Assault call they were at. Officer Daniel Holland #106 quickly arrived and ran to the jail section and observed Ms. Gutierrez hanging from the cell door with his own shirt. Officer Daniel Holland #106 began CPR on Ms. Gutierrez but was unsuccessful. Shortly there after EMS arrived on scene and transported Ms. Gutierrez to Valley Regional Hospital. Mr. Gutierrez was expired on Saturday September 28, 2019 in the AM unknown exact time. Nothing further to report at this time.