



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number: PA16131C

Report Date: 4/1/2016 5:24 PM

Status: Submitted

Agency/Facility Information

Department ID: 399

Department Type: POLICE

Agency Name: Houston Police
Dept.

Agency Number: TXHPD0000

Agency Phone: 7133081600

Agency Address: 1200 Travis

Agency City: Houston

Agency County: Harris

Agency State: TX

Agency Zip: 77002

Director Information

Director Salutation:

Acting Chief

Director First Name:

Martha

Director Middle Name:

I.

Director Last Name:

Montalvo

Reporter Name: Off SA Reyes
(Info provided by
Lt. KJ Deese)

Reporter Email: stephanie.reyes@houstonpolice.org

Location / Custody Information

Where did the event causing the death occur?

Street Address: 3400 Eastex
Freeway

City: Houston

County: Harris

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 the crime/arrest
scene

Death Location Elsewhere:

Decedent Information

Identity of Deceased

First Name: Peter

Middle Name: Williams

Last Name: Gaines

Suffix:

Date of Birth: 3/10/1979

Sex: Male

Ethnicity: African-American

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

Death Date and Time: 3/12/2016 5:31 PM

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

Date/Time of Custody or Incident:

3/12/2016 5:31 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:

Justifiable Homicide

Manner of Death Description:

Death Reason:

Injuries only

Medical Cause of Death:

Medical Cause of Death:

Gunshot Wounds of torso

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:

Criminal Mischief

Offense 2:

Offense 3:

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): Yes

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: Yes

Resist being handcuffed or arrested?: Yes

Try to escape/flee from custody: No

Grab, hit or fight with the officer(s): No

Other Behavior:



Specify Other Behavior:

Use weapon threaten/assault officer(s): 0

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 Sunday, March 12 at 5:21 pm, Officer K. T. Levi was on patrol traveling eastbound on Collingsworth in the 2900 block at the northbound Eastex Freeway service road. Officer Levi observed the suspect, later identified as Peter Williams Gaines, standing near a pedestrian signal light. It appeared to Officer Levi that Gaines was damaging a sign that was located on the corner. Officer Levi believed that Gaines was in a mental crisis. Officer Levi took the next street south and made the block and arrived at the north bound service road. Officer

Levi preceded north and stopped his shop in the number one lane just south of Collingsworth. Officer Levi informed the dispatcher that he was clear of his previous call and would be out on a suspicious male and requested back-up code 2 due to Gaines' behavior. Officer Levi remained in his shop for a few seconds observing Gaines' odd behavior of ranting to himself and shouting over and over. Gaines at one point knelt to the ground and hit his fists on the concrete. Gaines then stood up and started to walk towards Officer Levi's marked patrol vehicle. Officer Levi could see that Gaines had his fists clinched and the veins in his neck and arms were bulging. Officer Levi believed that Gaines may be under the influence PCP. Officer Levi decided to exit his shop and evaluate Gaines' condition. Officer Levi gave verbal commands to back up and stand by a bundle of clothing on the curb. Officer Levi attempted to verbally communicate with Gaines by asking if he could help him. Gaines did not reply other than the continued ranting say "Fuck this! Fuck life!" over and over. Gaines took several steps toward Officer Levi with his fists clenched and arms at shoulder level. Officer Levi then closed his shop door and started to back pedal toward the rear of his shop. Gaines continued toward Officer Levi in an aggressive manner. Officer Levi unholstered his CED all the time continuing to give verbal commands for Gaines to get back. Officer Levi retreated around the rear and passenger side of his shop. Officer Levi backed out into the lanes of traffic and at that point deployed the CED for the first time. Officer Levi did not see any effect the CED had on Gaines. Officer Levi was back pedaling toward the curb near the front of his shop when he deployed the CED for the second time. Officer Levi noticed what he thinks was a slight effect the second CED deployment had on Gaines, but it did not stop his advance. Officer Levi dropped his CED to the ground and tried to quickly increase distance between him and Gaines by turning his back toward Gaines and retreating away from him. Officer Levi unholstered his duty weapon and turned toward Gaines and again gave numerous verbal commands to "get back". Gaines continued toward Officer Levi causing him to back pedal into the lanes of traffic. When Gaines advanced to within three feet of Officer Levi he feared for his safety and discharged his duty weapon three times, striking Gaines twice. Officer Levi notified the dispatcher to call an ambulance. Peter Williams Gaines succumbed to his wounds and died at the scene.