



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number: PA15426C

Report Date: 8/12/2015 12:00 AM

Status: Submitted

Agency/Facility Information

Department ID: 99

Department Type: POLICE

Agency Name: Brownsville Police Dept.

Agency Number: TX0310100

Agency Phone: 9565487051

Agency Address: 600 E. Jackson

Agency City: Brownsville

Agency County: Cameron

Agency State: TX

Agency Zip: 78520

Director Information

Director Salutation:

Chief

Director First Name:

Orlando

Director Middle Name:

Director Last Name:

Rodriguez

Reporter Name: Sgt. Juan Lopez

Reporter Email: jopez@cob.us

Location / Custody Information

Where did the event causing the death occur?

Street Address: 2500 East Avenue /
Lizka Lane

City: Brownsville

County: Cameron

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: Jose

Middle Name: Roman

Last Name: Rodriguez

Suffix:

Date of Birth: 6/29/1991

Sex: Male

Ethnicity: Hispanic

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

Death Date and Time: 7/17/2015 3:02 AM

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

Date/Time of Custody or Incident:

7/17/2015 2:10 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 wounds 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:

Aggravated Assault 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?

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: Yes

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:

Please note that this is still an ongoing investigation. The final autopsy report (to include toxicology) and ballistic report are pending. The summary below is based on information known to date and could be subject to change based on further information.

On July 17, 2015 at approximately 2:06 am Officer Rolando Trujillo Jr. #7267 responded to 1725 International Blvd. (Seven Eleven convenience store) in reference to a theft that had just occurred. As he drove into the

Seven Eleven parking lot he observed that the clerk was standing in the middle of the parking lot staring at US Hwy 77 Southbound Frontage Road and Expressway area. He then drove up next to the clerk, who advised that a brown SUV (Sports Utility Vehicle) had just taken merchandise from the store without paying and had just gotten onto the expressway. The clerk appeared to be nervous at the time and he observed that the clerk appeared to be in fear as he had a fixed stare on the direction of travel for the suspects. Officer Trujillo then left the location in order to check the area for the suspect's vehicle. He advised the clerk that he was going to check the area before returning to complete the report. Officer Trujillo was then advised by the communication network that the suspect vehicle had left on International towards the expressway. He also observed on the MDC that the suspect was wearing a blue shirt and pink shorts.

Officer Trujillo then crossed International Blvd. and drove onto the US Hwy 77 southbound frontage's on ramp. As he began to approach the end of US Hwy 77 by University Blvd. He observed that there was only one vehicle at the red light that matched the suspect's vehicle description. The other three vehicles at the stop light were not SUVs and were not the color brown. He observed that there was a brown GMC Jimmy Texas License Plates BMW0706, in the outermost left turning lane preparing to turn onto East Avenue.

Officer Trujillo stated that he had remembered that there had been previous multiple aggravated robberies in the city of Brownsville, where the suspect had used a handgun and fired it during the robberies. In these calls the suspect vehicle was also a brownish or gold color older model SUV. This information was relayed to the patrol Officers on duty during our daily roll call, via daily lookouts. He stated that his level of awareness was raised as this vehicle was very similar and was also a suspect to a current theft.

Officer Trujillo then advised via radio to the communications network that he had a visual on a possible suspect vehicle and was going to conduct a traffic stop on the vehicle. He then waited for the light to turn green before he activated the over head emergency red and blue lights and emergency siren. As he was waiting for the light to turn green he observed that the driver of said vehicle was constantly looking into the side view mirror back towards his clearly marked police unit. The light at University Blvd. And US Hwy 77 Expressway then turned green after a moment.

Officer Trujillo then proceeded to active the full front and rear emergency lights of the police unit. In addition to the red and blue emergency lights, he also briefly activated the emergency siren which activates a short but very loud yelp. He then deactivated the emergency siren and left the emergency over head lights activated on the police unit. As the suspect vehicle turned Eastbound onto East Avenue he turned on the spotlight of the police unit and pointed it directly into the driver's side door and the driver's side view mirror. He observed that the driver was staring back towards the police unit and was talking to someone in the vehicle with him. He was unable to tell how many occupants were in the vehicle at the time, due to the dark tint in the rear view window of the suspect vehicle. Officer Trujillo then activated the takedown lights function on the emergency light bar, which sends a solid white beam of light forward, however this did not allow him better visibility due to the dark tint.

As he is continuing to pursue the suspect vehicle, East Avenue was beginning to merge from three lanes of eastbound flowing traffic into only two lanes. He then noticed the driver of the suspect vehicle was still looking back at the police unit, however was refusing to stop or slow down. Officer Trujillo stated that a normal law abiding citizen would normally immediately pull over once a police unit activates its emergency lights and sirens. His level of awareness and concern for his safety began to rise as the driver of the suspect vehicle was still refusing to stop his vehicle. He then advised via radio to the communications network that the suspect vehicle was still traveling and was currently passing Valor St. At this point the suspect vehicle had already traveled approximately .2 miles. The suspect had multiple opportunities to stop the vehicle, the suspect event intentionally passed Valor St. which was completely out of the way of normal flowing traffic.

Officer Trujillo then began to use the manual air horn twice on the police unit in order to further assure the suspect vehicle that he had to pull over immediately. The suspect vehicle continued to travel and still refused to stop on East Avenue until it started to approach Lizka Ln.

The suspect vehicle then came to a slow stop right before Lizka Ln. Officer Trujillo immediately exited the

police unit wearing a full Brownsville Police Officer Uniform and began to approach the suspect vehicle. He immediately used his flashlight in order to start illuminating the interior of the suspect's vehicle. As soon as he was walking up to the rear driver's side door he observed that the front passenger side door opened rapidly and a male suspect wearing a blue polo and pink shorts looked in his direction. At this moment his level of awareness was very high because a normal citizen would not flee from the police especially in the middle of a traffic stop. Officer Trujillo then immediately holstered his flashlight on his duty belt because he believed that the suspect who exited the suspect vehicle was going to attempt to try to cause harm to him. He then noticed that the passenger suspect had lowered his body and he was unable to keep visual on him. Officer Trujillo stated that this was a very dangerous situation for him as without visual of the suspect he was unaware if he had a weapon or from which direction he was going to approach. He was also outnumbered by the suspects since he was the only Officer on scene. He then stepped towards the driver's side window in order to obtain a visual of the suspect driver and possibly the suspect passenger. Officer Trujillo then observed that the suspect driver was staring at his passenger that was running away. Due to the suspect/driver, who was later identified to as Jose Roman Rodriguez DOB 06/29/1991, being slightly distracted, Officer Trujillo opened the driver's door.

Officer Trujillo then asked Rodriguez what had happened back there, referring both to the theft at the Seven Eleven and why he had not stopped the vehicle. Rodriguez say "No yo no se nada" Spanish for no I do not know anything. However before he was able to further clarify, he observed that the passenger suspect had began running towards an empty field in the direction of Veteran's Plaza, located at 2500 East Avenue. Officer Trujillo then attempted to relay further information to the communications network via portable radio as he was looking at the passenger who was fleeing the traffic stop intentionally. When Officer Trujillo reached for his portable radio and glanced over the hood of the vehicle, Rodriguez closed the driver's door quickly. Officer Trujillo immediately reached out for the driver's door window frame and was able to slightly grab a hold of it. Rodriguez placed his hand on the door from the interior and pushed the left side of his body against the door. Officer Trujillo believed that Rodriguez was at this time trying to strike him with the door of his vehicle. Officer Trujillo however stepped back slightly and immediately ordered Rodriguez to turn off the vehicle, but Rodriguez refused. He then observed that Rodriguez's right hand was reaching into the small area between his driver's seat and the center console. At this moment Officer Trujillo completely lost sight of his hand. He observed a look of desperation on Rodriguez's face as he was desperately reaching and searching rapidly for something between the driver's seat and the center console. Rodriguez then began to rev his engine and said "No pos no", which translates to "No well No". He then believed that Rodriguez was attempting to flee from a lawful traffic stop. Officer Trujillo believed that Rodriguez did not have his vehicle in the drive gear and was unable to move at the moment. He then ordered Rodriguez to get out of the car in Spanish. Rodriguez then looked direct at him and then looked directly at his duty weapon. Rodriguez refused and said "Pos Nombre", which translates to "Well, No." Rodriguez with his right hand then quickly opened the center console of his vehicle. Once Rodriguez placed his hand inside the center console, Officer Trujillo's line of sight was completely blocked and he could not see Rodriguez's right hand. He immediately un-holstered his duty issued Sig Sauer P226 and was in the process off actively targeting the suspect, when Rodriguez then began to pull out an object that was long and a dull gray color. Officer Trujillo screamed at Rodriguez however before he was able to give a complete order again, Rodriguez pulled his right hand across his chest in Officer Trujillo's direct direction, also cocking his head backwards towards him. Officer Trujillo stated that he focused directly on the gray object and Rodriguez's right hand and immediately bladed his body off towards Rodriguez in a defensive position. Officer Trujillo then moved his hand from the door handle to this duty weapon. Rodriguez then brought his hand from the center console towards his left shoulder in Officer Trujillo's direction. Rodriguez's movement was so rapid that Officer Trujillo was only able to focus on a blur of his tattoo from the top of his right hand and a gray object in his hand. It was at this moment that he believed that Rodriguez was about to use a deadly weapon against him, and believed that his life was in immediate danger. Officer Trujillo stated that he was terrified that his life was about to come to an end. He stated that he reasonably believed that it was immediately necessary to stop Rodriguez from using any type of weapon against him. He believed that Rodriguez had a weapon in this hand and was going to use deadly force in order to prevent him from begin placed under arrest. He feared for his life and safety at this moment.

Due to the totality of the circumstances and all of Rodriguez's actions Officer Trujillo then fired four shots at Rodriguez. As the second or third shot was being fired Rodriguez placed his vehicle in drive and began to accelerate away from him at a high rate of speed. Officer Trujillo believed that Rodriguez was still a threat to him and the community especially since he drove away recklessly and erratically at a high rate of speed. He states that he even heard the sound of the tires screeching as Rodriguez sped off. Officer Trujillo then took a few steps towards Rodriguez's vehicle however he quickly noticed that Rodriguez was again intentionally evading detention in a motor vehicle from him. He then ran back to his marked patrol unit and began to pursue Rodriguez again. Rodriguez drove down East Avenue and stopped his vehicle near the exit of Veteran's Plaza about half a block away.

Officer Trujillo then placed his police unit behind the suspect's vehicle and again exited his police unit in order to approach Rodriguez. As he exited the police unit he had his police issued Sig Sauer duty weapon drawn and was actively targeting Rodriguez. As Officer Trujillo was approaching the driver's side he observed that Rodriguez was moving around in the driver's seat and then suddenly Rodriguez's vehicle moved backwards rapidly and crashed into the front end of the police unit. Officer Trujillo believed that Rodriguez was at this time intentionally trying to cause further harm to him by using his vehicle to intentionally strike the police unit. Officer Trujillo had immediately exited the police unit upon stopping and was already walking up to Rodriguez when Rodriguez struck the front end of the police unit. Officer Trujillo stated that he was again in fear for his life and safety since Rodriguez was still attempting to leave location, even if it meant crashing into a police unit. He was also still unable to see Rodriguez's hands at that moment.

As Officer Trujillo was walking towards the driver's side door again, he observed that Rodriguez was still moving his right hand around the center of the vehicle out of view. While actively targeting Rodriguez, Officer Trujillo commanded him to put the vehicle in park multiple times. Rodriguez however refused and shook his head from side to side. Officer Trujillo then advised the communication network to send EMS (emergency medical services) to the location because there was a subject shot. He then noticed that Rodriguez finally placed his hands in front of him with his palms open. Officer Trujillo then quickly reached into the vehicle with his left hand and turned the key in the ignition backwards to turn off the vehicle, while still actively targeting Rodriguez with his duty weapon in his right hand. Officer Trujillo then took a step back and quickly attempted to scan the area around him, due to the second suspect still at large. He was fearful that he could possibly return to attempt to cause harm to him. Officer Trujillo at this time believed that it was immediately necessary to apprehend the second suspect because he could also pose a threat to the community.

Officer Trujillo then continued to keep Rodriguez actively targeted until a back up Officer arrived on scene in order to assist with safely apprehending Rodriguez. After a few moments Sergeant Avitia #128 arrived on scene along with Officer J. Alejandro #5059 and Officer A. Ortiz #3133.

Sergeant Avitia exited his marked patrol unit and asked Officer Trujillo what had happened while walking up to the driver's side of the vehicle. He then advised that Rodriguez was not cuffed and he provided cover as Officer Ortiz #3133 pulled Rodriguez out of the driver's seat and placed him on the ground. Officer Trujillo then immediately placed hand restraints on Rodriguez and began to pat him down for any weapons. He then found Rodriguez's wallet and removed his Texas identification card #26694420 in order to identify him. Officer Trujillo then observed that there was a silver tool right next to the driver's side seat and a large screw driver in the center console that was partially out. He also observed that there were multiple cases of Bud light beer in the passenger side of the vehicle.

The preliminary autopsy report indicates that Rodriguez sustained two gunshot wounds to the chest. Emergency Medical Services were called to scene and Rodriguez was transported to Valley Baptist Medical Center where he was pronounced dead at 3:02 am. Justice of the Peace Benito Ochoa ordered an autopsy. As previously stated Officer Rolando Trujillo Jr. used deadly force due to the immediate threat of death or serious bodily injury to himself by Jose Roman Rodriguez.