

The Herald

In-custody deaths on rise in Valley

Twice as many have died in 2006 as in both of previous two years

BY SERGIO CHAPA
The Brownsville Herald

May 29, 2006 – The number of criminal suspects and inmates who have died in the custody of Rio Grande Valley law enforcement agencies to date this year has quickly outpaced figures from previous years.

The Brownsville Herald filed open records requests with the Texas Attorney Generals Office for all custodial death reports filed by all law enforcement agencies in Cameron, Hidalgo, Starr and Willacy counties from January 2004 through May 2006.

The 12 reports revealed that six criminal suspects and inmates have died during their arrests or while in the custody of five local law enforcement agencies since January.

The six deaths from the Texas Department of Public Safety, Harlingen Police Department, Cameron County Sheriffs Department, Brownsville Police Department and Hidalgo County Sheriffs Department have eclipsed the three reported deaths in 2005 and the three in 2004.

Figures show that law enforcement agencies in Hidalgo County lead the Valley with six in-custody deaths over the past three years, compared to five in Cameron County, one in Starr County and no in-custody deaths reported from Willacy County.

The Texas Department of Public Safety reported more in-custody deaths than any other agency with three in the 2-year period.

Police accountability advocate Scott Henson with the American Civil Liberties Union of Texas in Austin said it's important to monitor custodial death reports but that they need to be looked at on a case-by-case basis.

It could literally be a coincidence, Henson said of the Valley figures. Because youre looking at mul-tiple agencies instead of one agency, its harder to identify a pattern. If it was just one agency, you could possibly point to an individual or particular need for training in one area.

Henson said custodial death reports are a valuable checks and balance for local law enforcement agencies in addition to providing crucial red flags for police abuse or official misconduct.

Theyre one of our only glimpses into the topic, Henson said. Investigations into police misconduct are very opaque. Its better than nothing.

Texas law requires that all law enforcement agencies file a custodial death report with the Attorney Generals Office within 30 days of the suspect or inmates death.

Failing to file the report is a Class B misdemeanor, punishable up to six months in jail and/or a \$2,000 fine, but Texas Attorney Generals Office spokesman Tom Kelley said the law cannot be enforced if violations are not reported.

We dont have any enforcement authority if someone doesnt turn them in, Kelly said. People should file complaints with us or the local sheriffs department if they dont. Otherwise, you could also file a complaint with a DA or a county attorney or a county judge.

A Brownsville Herald inquiry resulted in the Cameron County Sheriffs Department filing a custodial death report that was more than two months late.

Jose Ernesto Ramos died at the Valley Baptist Medical Center in Harlingen following his Jan. 27 arrest during a domestic disturbance at his Ed Palmer Drive home in La Paloma.

Preliminary autopsy results could not determine a cause of death for Ramos but revealed that the 37-year-old man tested positive for cocaine at the time of his death.

Cameron County Chief Deputy Gus Reyna said Investigative Sgt. Rene Gosser was supposed to file the report in February but fell behind in his work and then resigned from the department on April 7 without submitting it.

The report was finally turned in to the Texas Attorney Generals Office on May 1 following inquiries to local and state officials.

Once received, the report revealed a dramatic struggle between Ramos and deputies.

Family members acknowledge Ramos drug use but maintain that deputies improperly restrained him using a technique known to cause positional asphyxiation.

State records also show that Mission police were also three weeks late in reporting the October 2005 death of 40-year-old Jose Adan Lopez who died from a brain aneurysm at a local hospital following a public intoxication arrest where he inhaled an unspecified volatile chemical.

It was found that the Harlingen Police Department did not file a custodial death report for March 2005 car chase that resulted in the death of 22-year-old Roberto Serrato.

Family members have since filed a lawsuit against the city of Harlingen and police officer Randy Reyna, who was involved in the chase.

Officials from the Attorney Generals Office said law enforcement agencies are not required to file re-ports for deaths that occur during car chases, but state law requires all road fatalities to be reported to the Texas Department of Public Safety.

The Serrato familys attorney, Ray Marchan, said he believes the Harlingen Police Department should have to file the report because it took Serrato into custody under evading arrest charges and that he died in the hospital.

A DPS fatality report from Serratos case was not immediately available, but records from the Attor-ney Generals Office show that many Valley agencies file custodial death reports from car chases volun-tarily.

The Brownsville Police Department filed two reports from two car chases that resulted in the death of 17-year-old car thief suspect Edgar Ivan Lopez in February and the death of 32-year-old Jesus Quintanilla in March.

A custodial death report states that Quintanilla crashed into a tree while intoxicated on both alcohol and cocaine.

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