



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number: PA13160MJ

Report Date: 4/23/2013 4:50 PM

Status: Submitted

Agency/Facility Information

Department ID: 214

Department Type: POLICE

Agency Name: Denton Police Dept.

Agency Number: TX0610200

Agency Phone: 9403497964

Agency Address: 601 E. Hickory,
Suite E

Agency City: Denton

Agency County: Denton

Agency State: TX

Agency Zip: 76205

Director Information

Director Salutation:

Chief

Director First Name:

Lee

Director Middle Name:

Director Last Name:

Howell

Reporter Name: Mike Beutner

Reporter Email: mike.beutner@cityofdenton.com

Location / Custody Information

Where did the event causing the death occur?

Street Address: 601 E. Hickory

City: Denton

County: Denton

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 - single cell

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: 4/3/2013 4:26 PM

Where did the death occur?

Death Location: At medical facility

Death Location Elsewhere:

Decedent Information

Identity of Deceased

First Name: Juan

Middle Name: Manuel

Last Name: Portales

Suffix:

Date of Birth: 6/24/1965

Sex: Male

Ethnicity: Hispanic

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

Death Date and Time: 4/4/2013 2:29 PM

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

Date/Time of Custody or Incident:

4/3/2013 4:16 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:

Natural Causes/Illness

Manner of Death Description:

Atherosclerotic and Hypertensive Cardiovascular Disease

Death Reason:

Medical condition only (e.g. heart attack)

Medical Cause of Death:

Medical Cause of Death:

Atherosclerotic and Hypertensive Cardiovascular Disease

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

Medical Treatment:

No

If death was an accident, homicide or suicide, who caused the death?

Who caused the death?:

Not applicable; cause of death was suicide, intoxication or illness/natural causes

Death Causer Other:

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

Type of Death Weapon:

Not Applicable

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?:

Pre-existing medical condition

If death was an accident, homicide or suicide, what was the means of death? _____

Means of Death:

Not applicable; cause of death was intoxication or illness/natural causes

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:

Public Intoxication

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 NA

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

Appear intoxicated (alcohol or

Exhibit any mental health

drugs): Yes

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: 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 04/04/2013, at about 1355 hours, City of Denton Detention Officer Adele Siquig went to cell #12 in the City of Denton Jail to begin release procedures for Juan M. Portales (H/M 06/24/1965) who had been arrested the day before. Siquig found Portales was unresponsive. Paramedics responded to the jail and transported Portales to the Denton Regional Medical Center where Portales was pronounced dead.

Chief Lee Howell requested an investigation from the Texas Rangers who dispatched Ranger Ike Upshaw to conduct an investigation. Chief Howell assigned City of Denton Police Detective Eric Beckwith to assist

Ranger Upshaw.

The ensuing investigation revealed that on 04/03/2013, at about 1555 hours, on duty City of Denton Police Officers Adam Deweber and Jewel Mosley were dispatched to the state Parole Office at 1117 Teasley Lane within the incorporated city limits of Denton, Texas. Officers contacted Parole Officer Amber Sims. Sims advised that she was the assigned Parole Officer for Mr. Portales. Portales had come to the office for a meeting and she suspected Portales was intoxicated. Sims performed a breathalyzer test on Portales that showed Portales had a Blood Alcohol Content of 0.211.

Mosley performed a Horizontal Gaze Nystagmus test on Portales and found six clues of alcohol intoxication. Officer determined Portales would be a danger to himself and others if allowed to leave so Portales was arrested and transported to the City of Denton Jail on the charge of Public Intoxication.

During his booking, Staff noted on Portales medical questionnaire that he had some known medical issues including high blood pressure, diabetes, asthma, and a fractured left ankle. He noted ongoing treatment for alcoholism and that he was taking several medications (none of which he had in his possession at the time of booking). There was no obvious sign of pain, bleeding, or other condition that indicated necessary or immediate medical attention.

Portales was booked in and placed a cell #12 by himself at about 1733. He was not placed in a cell with other prisoners as he had crutches. Still on 04/03, at about 2121 hours, City of Denton Detention Officer Dominique Stevenson initiated a phone call to Portales Father, Alfredo who lives in the city of Denton. Stevenson requested that Alfredo bring any of his sons medications to the jail. Alfredo agreed that he would bring his sons medications to the jail but did not set a time frame for delivery.

Between 2100 hours on 04/03 and 1300 hours on 04/04, City of Denton Jail Staff conducted at least 40 cell checks, walking around the facility to ensure that all prisoners are accounted for. Detention Officer George Burnham recalls coming in for his shift at about 0600 on 04/04 and speaking with Portales while providing his breakfast (a sausage biscuit). Burnham also recalls on subsequent cell checks, between approximately 1013 and 1221 on 04/04, that Portales was laying on his side, facing the door, and saw him open/close his eyes on at least one occasion.

On 04/04, Mr. Alfredo Portales responded to the Police Department at about 1300 with several of his sons medications. Jail Staff was notified of Alfredos presence but informed him that his son was about to be released. Jail video shows at that time there was a citizens tour taking place in the jail, the Municipal Judge was present and preparing to conduct magistrations. No family or visitors are generally accommodated in such cases. Therefore, Mr. Portales was advised that his son would probably be released within the next hour so he should just wait in the front lobby. (Municipal Judge Ramsay responds to the jail on a daily basis and generally releases prisoners charged with Class C only offenses on their own Personal Recognizance with a Promise to Appear in Municipal Court).

Siquig stated that at around 1355 on 04/04, she was preparing to release Portales from custody (with Judge Ramsay having approved the Released on Recognizance paperwork). Upon opening the cell door and calling his name she did not receive a response. After several other attempts to verbally raise him, she called for the assistance of another Detention Officer. Officer Stevenson, who had just arrived for duty and was preparing for his shift, responded to Siquigs request for help.

Stevenson reported that he entered the cell and gently shook him. When he did not receive a response, Stevenson attempted a Sternum rub, and again, no response. Stevenson noted Portales face was blue and that his skin felt cold. Stevenson then immediately called for Detention Officer Burnham to respond to the cell and to notify an ambulance to respond to the jail.

Police Officer Chris Shamp was in the jail on an unrelated arrest and requested an ambulance over the police radio. Burnham saw that Portales was not breathing and had no pulse. Burnham saw that Portales was lying on his side facing the door in the same bottom bunk where he had been seen earlier. He and Stevenson then began attempts at resuscitation by administering CPR. Within minutes, additional personnel responded to Portales cell to assist in resuscitation efforts, including Lt. Hildebrand. Upon their arrival, Portales was moved from his bunk to the floor and continued to administer CPR. Burnham retrieved the jails Automated External Defibrillator (AED) and attached the pads to Portales chest. The AED initially diagnoses the heart rhythm of the patient and determines if a shock is needed. In this case, it recommended CPR and no shock. Staff continued CPR until paramedics arrived. Denton Fire Department medics responded to the jail within minutes of being notified, assumed resuscitation efforts, and transported Portales to the Denton Regional Medical Center via ambulance.

Beckwith and Ranger Upshaws subsequent investigation further revealed that Portales had not made any phone calls from his cells phone. Portales property included documentation of a Check in time and date for Narcotics/Alcoholics Anonymous meeting which was required as a condition of Portales Parole Officer. The last date listed on that record was 11/25/12. There was also a postcard from the Department of Veterans Affairs that contained appointment information for Wednesday, 04/03/13 at 10am for the Neurosurgery (Spinal Cord Injury) Center at the Dallas VA Medical Center.

All of Portales property was photographed by Denton Police Officer Todd Kidwell, who was further tasked with responding to the hospital to photograph Portales and meet with the Medical Examiners Investigator upon their response. While in the jail, Detective Beckwith obtained copies of Portales booking paperwork, which consisted of the inmate intake form, prisoner control record, medical/intake questionnaire, property sheet, booking sheet, affidavit of arrest, defendants promise to appear, and the charging citation issued by the Arresting Officer.

After obtaining the paperwork from the jail, inspecting the cell, and inventorying the property, Detective Beckwith and Ranger Upshaw made contact with the Detention Officers and Ranger Upshaw met with them on an individual basis to review their statements. While Ranger Upshaw spoke with the Detention Officers, Detective Beckwith contacted Investigator Bill Mills with the Denton County Medical Examiners Office, who was briefed on the death. Investigator Mills related that he would respond to the hospital and meet with Officers there. It was confirmed that the Medical Examiners Office would take custody of Portales and transport him to the Tarrant County Medical Examiners Office for Autopsy.

At around 1800 on 04/04, Detective Beckwith spoke with Officer Kidwell and Medical Examiners Office Investigator Bill Mills, who were with Portales at Denton Regional Medical Center. Officer Kidwell, who had taken photographs of Portales, noted that Portales displayed signs of lividity on his right side and also had mild rigor in his extremities (Hands/Feet). Portales pupils were dilated and fixed and there was no sign of pithichiae. His clothing was clean and free of any bodily fluids and there were no signs of trauma.

On 04/17/2013, the Detective Beckwith received a report from the Tarrant County Medical Examiners Office that Portales manner death was ruled as natural. The chief cause of death was listed as, Atherosclerotic and Hypertensive Cardiovascular Disease.