



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



Investigative Activity: Meeting with Prosecutor
Activity Location: BCI Richfield Northeast Regional Office – 4055 Highlander Parkway, Richfield, OH 44286, Ohio County
Author: SA Eric Lehnhart, #84

To: Forrest Thompson, Richland County Special Prosecutor

CC: Mark Kollar. Special Agent Supervisor

From: Eric Lehnhart, Sr. Special Agent

Date: February 19, 2020

Case Title: Rios, Alexander J.

Case Number: 2019–3029

Investigative Request

On Thursday, October 3, 2019, Gary Bishop, the Richland County, Ohio Prosecutor requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) in conducting an independent investigation into the facts and circumstances surrounding an in-custody death. The incident reportedly began on September 19, 2019, at 73 East Second Street, Mansfield, Ohio, the Richland County, Ohio Jail and concluded with the death of Alexander Jose Rios (Rios) on Friday, September 27, 2019, at OhioHealth Mansfield Hospital.

Preface:

This report serves as a synopsis of the investigation into the in-custody death in Richland County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, a video recording exists for the interview conducted, revealing further details of statements given regarding the incident.

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This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

Investigative Team

BCI Special Agent Eric Lehnhart served as the lead SIU case agent. Special Agent Lehnhart received assistance in the investigation from Special Agent John Rodriguez who attended the postmortem examination of Rios, collecting and transporting evidence to Special Agent Lehnhart for submission.

Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation, by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

1. Processing of the scene for potential evidence.
2. Special Agent attendance to postmortem examination (autopsy) of deceased
3. Obtained and reviewed postmortem examination (autopsy) and toxicology report
4. Reviewed EMS records pertaining to their response and treatment administered
5. Reviewed Hospital records pertaining to treatment administered, obtained through court order
6. Review of the sheriff office's reports, photographs and investigative material pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement
7. Obtained the office's policies and procedures regarding use of force for prosecutorial review
8. Obtained and reviewed the office's departmental personnel files of the officers involved in the incident, to include training records
9. Review of all available surveillance video which captured any portion of the incident
10. Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving record, etc
11. Interview of the civilian witnesses to the incident

Incident Summary/Overview

On Thursday, September 18, 2019, at 2317 hours, members of the Wakeman Police Department responded to a disturbance call at 8 Edgewater Court in Wakeman, Ohio. The complainant, Elizabeth Turner (Turner), advised that her ex-boyfriend, Alexander J. Rios (Rios), had without permission gained access to her residence through a window. After access, an argument ensued where Rios took Turner's cellular telephone and assaulted her. Rios then fled on foot to his residence that is located across the street from Turner's.

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Wakeman officers made contact with Toni Mould (Mould), Rios's mother. Mould was advised of the altercation between Turner and her son and that the Richland County Sheriff's Office had an active warrant for Rios' arrest. Mould allowed officers access to her home and after a brief search, found Rios hiding in a crawl space in the basement. Rios was arrested on the warrant and transported to the Huron County, Richland County line where custody of Rios was transferred to Richland County Deputy Sheriff Jon VanHouten (VanHouten) at 0155 hours. Rios was booked into the Richland County Jail on September 19, 2019, at 0231 hours.

At around noon on September 19, 2019, Rios advised correctional staff that he had thoughts of hurting himself. Rios was transferred from "population" to cell 1B10 in the booking area for observation. During the day, Rios' behavior deteriorated to the point that he began to verbally engage correctional staff about another inmates' property and court paperwork.

Attempts by the staff to calm Rios failed and Rios perched himself on a concrete divider and refused to come down. Correctional staff made the decision to remove Rios from cell 1B10 and place him in a restraint chair for his safety. As the door to cell 1B10 was opened, Rios pushed past correctional officers and began to run around the booking area. Correctional staff followed in pursuit and all parties met near the shower rooms.

During the struggle between correctional officers and Rios, correctional officers utilized Taser X26P conductive electrical weapons, joint manipulation, diversion strikes, and wrist/ankle restraints. As officers moved Rios towards the restraint chair, several noticed Rios skin color had begun to change and he was unresponsive. Rios was lowered back to the floor and placed in a recovery position as other officers retrieved the Automated External Defibrillator (AED).

The Mansfield Fire Department was called to the Richland County Jail. During transport to OhioHealth Mansfield Hospital, Paramedic intervention was successful in returning Rios' cardiac function. Rios remained at OhioHealth Mansfield Hospital in a sedated state until his death on Friday, September 27, 2019. A urine sample from Rios taken on arrival at OhioHealth Mansfield Hospital tested "presumptive positive" for Amphetamine.

Decedent

Alexander Jose Rios was a 28-year-old male who resided at 30 East Main Street, Wakeman, Ohio with family. Rios had limited medical history available, but is believed to have experienced depression, anxiety and a sleep disorder. Rios did have multiple prior contacts with law enforcement, which included multiple drug offenses, sexual imposition, unlawful sexual contact with a minor, interference with child custody, stalking and a domestic violence charge.

Autopsy Report

The autopsy report for the decedent (Alexander J. Rios) was obtained from the Richland County Coroner's Office (actual autopsy was conducted by the Montgomery County Coroner's Office, who had been contracted by Richland County). A review of those documents revealed the following information:

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[REDACTED]

[REDACTED] These confirmed results are consistent with medical intervention provided by OhioHealth Mansfield Hospital to Rios between September 20, 2019, and September 27, 2019.

Ohio Automated Rx Reporting System (OARRS)

[REDACTED]

Physical Evidence

- Piece of plastic from Rios' gastric content.

Special Agent Lehnhart was presented with a clear plastic bag containing a piece of evidence recovered by the Montgomery County Coroner's Office during the postmortem examination of Alexander J. Rios.

The item was described by the Montgomery County Coroner's Office staff as a "piece of plastic from gastric content." After drying, the item was transported and entered into the evidence room at the BCI Northeast Regional Office in Richfield, Ohio.

- Taser [REDACTED]

Taser X26P identified as serial number [REDACTED] is a conductive electrical weapon used on Rios to gain compliance. This particular weapon was used four (4) times during the altercation with Rios according to the weapons downloaded report. Three (3) of the deployments were for five (5) seconds and a single (1) deployment was for one (1) second for a total deployment of nineteen seconds. Correctional Officer Michael Longshore was assigned this conductive electrical weapon at the time of the incident. Note: Just because the device was activated does not necessarily mean that it was in contact with Rios for any/all of that time.

- Taser [REDACTED]

Taser X26P identified as serial number [REDACTED] is a conductive electrical weapon used on Rios to gain compliance. This particular weapon was used one (1) time during the altercation with Rios according to the weapons downloaded report. This single (1) deployment lasted for

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one (1) second for a total deployment of one (1) second. Correctional Officer [REDACTED] [REDACTED] was assigned this conductive electrical weapon at the time of the incident. Note: Just because the device was activated does not necessarily mean that it was in contact with Rios for any/all of that time.

Witnesses

Inmate Brian Atherton (Atherton) was the only cooperating witness to this event. Atherton was positioned to the south (right) of Rios in cell 1B7. Atherton claimed that Rios was acting normal up until the evening hours of Thursday, September 19, 2019. Upon cell extraction, Atherton maintains that Rios pushed past correctional staff and ran past his cell. Rios was confronted by correctional staff past the shower rooms. Atherton lost visual of the altercation due to a concrete wall that separates inmates from the correctional staff during the booking process.

Officer Interviews

On Saturday, November 16, 2019, Special Agent Eric Lehnhart received word from Captain Chris Blunk (Jail Administrator) that an unidentified Ohio Labor Council, Inc. (OLC) union steward advised him "that their officers involved will not make any statement without Garrity."

Captain Blunk stated that he will not compel his employees to sit for an interview, as this investigation is a criminal matter. As such, no interviews were conducted with Richland County correctional officers involved in this incident.

Conclusion

Richland County Jail video shows that on Friday, September 19, 2019, Richland County correctional staff assembled at the cell of Inmate Alexander J. Rios (Rios) to place Rios in a restraint chair for his safety. Upon opening the door to cell 1B10, Rios ran past officers and led then on a short pursuit around the jail booking room. Officers and Rios met in the booking area near the shower rooms. Rios was taken to the ground and a struggle between Rios and correctional staff ensued. During the event, correctional staff utilized several compliance techniques to gain control of Rios. Before becoming unresponsive, Rios showed signs of labored or difficulty breathing (dyspnea). As officers moved Rios from the floor toward the restraint chair, officers noticed Rios was "blue." Rios was lowered to the floor and placed in a recovery position, as others retrieved an AED.

Medical records show that the Mansfield Fire Department responded and assumed advanced life support care of Rios. Rios presented to Paramedics, unresponsive and in cardiac arrest. During Rios' transport to OhioHealth Mansfield Hospital, Rios' cardiac function was restored.

Medical records also show that OhioHealth physicians assumed medical treatment of Rios from the Mansfield Fire Department. An initial screen of Rios urine returned a "[REDACTED] [REDACTED] Rios remained at OhioHealth Mansfield Hospital in a sedated state for seven (7) days until his death on Friday, September 27, 2019.

Rios' body was transported to Montgomery County Coroners Office for a postmortem examination (Autopsy). During the examination, Dr. Amanda J.C. Paul, M.D. recovered a small foreign object from the gastric content of Rios. Dr. Paul categorized this object as a "piece of plastic." No other organic samples were collected by the postmortem examination team.

[REDACTED]
[REDACTED]
[REDACTED] Dr.

Burwell's determination was based in part on a postmortem examination conducted by Dr. Amanda J.C. Paul, M.D., Forensic Pathologist and Deputy Coroner for Montgomery County, Ohio Coroner Kent E. Harshberger, M.D., J.D., M.B.A.

Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the in-custody death. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Eric Lehnhart. Special Agent Lehnhart can be reached via email at eric.lehnhart@ohioattorneygeneral.gov or by telephone, at (234) 400-3606.