KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	21-159-UF	Version Type:	AMENDED
Report Date:	11/22/2021 9:02 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Lacy Lakeview Police Dept.	Agency Address:	PO BOX 154549
Agency City:	Waco	Agency State:	TX
Agency Zip:	76715		

Director Information

Director Salutation:	Chief	Director First Name:	John
Director Middle Name:			
Director Last Name:	Truehitt		
Reporter Name:	John Truehitt	Reporter Email:	john.truehitt@lacylakeview.org

Decedent Information

Identity of Deceased

First Name: Dustin

Middle Name: Demaurean

Last Name: Powell

Suffix:

Date of Birth: 7/8/1986 Sex: Male

Race: Black or African American

Age At Time Of Death: 34

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

Date/Time of Custody or Incident: 2/7/2021 9:10 AM

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

Death Date and Time: 2/7/2021 10:07 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: Homicide (includes Justifiable

Homicide)

Medical Cause of Death:

Medical Cause of Death:

Gunshot wound to 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: No

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

Who caused the death?: Law enforcement/correctional personnel

If a weapon caused the death, what type of weapon caused the death? (Hold CTRL to select all that apply)

Type of weapon that caused death?: 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

Location / Custody Information

Where did the event causing the death occur?

Street Address:	115 Faye Street	City:	Lacy Lakeview
County:	McLennan	Zip:	76705

What location category best describes where the event causing the death occurred?

Location Category: Parking lot/garage

What type of custody/facility was the Decedent in at the time of death:

Type of Custody: Pre-Custodial Use of Force

Specific type of custody/facility:

Specific Type of Custody/Facility:

Custody of Law Enforcement Personnel during/fleeing arrest

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: Medical facility

General Information

Did any other law enforcement agencies respond to calls for service related to this incident?

Other Agencies Respond?: Yes

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 with a Deadly Weapon on a Public Servant, Penal Code 22.02

Offense 2:

Aggravated Assault with a Deadly Weapon (citizen), Penal Code 22.02

Offense 3:

Terroristic Threat, Penal Code 22.07; Criminal Mischief, Penal Code 28.03

Were the Charges:: Not filed at time of death

What were the types of charges or reason for contact? (Hold CTRL to select all that apply)

Type of Offense: Violent Crime Against Persons

At any time during the incident and/or entry into the law enforcement facility, did the decedent display or use a weapon?

Decedent display/use of weapons: Yes, mark all that apply

Decedent Display or Use Weapon Details: Displayed other weapon, specify:

Specify Weapon Displayed:

Hatchet

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

Attempt to Injure Others?:	Yes (select all that apply)
Ways Decedent Attempted To Injure Others:	Attempted to injure law enforcement personnel; Attempted to injure civilian(s) or other inmate(s)

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

Appear intoxicated (alcohol or drugs):	Unknown	Make suicidal statements?:	No
Exhibit any mental health problems?:	Unknown	Exhibit any medical problems?:	Unknown

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

Barricade self or initiate standoff?:	No	Resist being handcuffed or arrested?:	Yes
Physically attempt/assault officer(s):	Yes	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	Yes	Escape or attempt to escape/flee custody:	Yes
Attempt gain possession officer's weapon:	Unknown		

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:

Officer 1 responded to a criminal mischief in progress call of a man breaking car windows at the Northgate Apartments, 115 Faye Street, Lacy Lakeview, Texas 76705. Officer 1 was wearing a fully marked police uniform including an activated body worn camera and in a fully marked police vehicle. Upon arrival, citizens told Officer 1 the decedent was breaking car windows with his hatchet and was threatening to strike and kill people with his hatchet. Officer 1 located decedent in the parking lot in the rear of the complex with citizens closely nearby. Decedent was brandishing a hatchet in a very agitated manner. Officer 1 immediately gave numerous verbal commands for the decedent to drop the hatchet. The decedent refused to obey the commands and advanced towards Officer 1. Officer 1 told dispatch he had the subject at gun point; he has an axe; and he won't drop it. Officer 1 told dispatch, he's coming at me. The decedent said come here as Officer 1 stepped backwards in an attempt to maintain a distance between himself and the decedent. Officer 1 stated, don't come near me; don't make me shoot you. The decedent advanced closer and closer to Officer 1 until Officer 1 fired one shot with his service pistol, striking the decedent in the chest. The decedent turned and fled on foot for approximately 150 yards before he collapsed, while still holding the hatchet. Officer 1 followed the decedent and rendered first aide by applying pressure to the wound in an effort to stop the bleeding. Decedent was transported to the hospital by emergency medical personnel where he was pronounced deceased. Officer 1 was placed on Administrative leave. The Texas Rangers were immediately notified and asked to conduct a separate and independent investigation.