KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	23-1787-UF	Version Type:	ORIGINAL VERSION
Report Date:	1/5/2024 10:24 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Texas Parks & Wildlife Dept.	Agency Address:	4200 Smith School Rd
Agency City:	Austin	Agency State:	TX
Agency Zip:	78744		

Director Information

Director Salutation:	Director	Director First Name:	David
Director Middle Name:			
Director Last Name:	Yoskowitz		
Reporter Name:	Michael Durand	Reporter Email:	mike.durand@tpwd.texas.gov

Decedent Information

Identity of Deceased

First Name: Kevin

Middle Name: Ray

Last Name: Mills

Suffix:

Date of Birth: 1/17/1970 Sex: Male

Race: Anglo or White

Age At Time Of Death: 53

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

Date/Time of Custody or Incident: 12/12/2023 11:15 PM

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

Death Date and Time: 12/12/2023 11:15 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 pending

What was the manner of death? (select only one)

Manner of Death: Homicide (includes Justifiable

Homicide)

Medical Cause of Death:

Medical Cause of Death:

Pending

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 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?:	Rifle/shotgun

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:	County Road 126 East of Country Road 115	City:	32 54'03.4"N 102 30'17.4"W
County:	Gaines	Zip:	79360

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

Location Category: Roadway/highway/street/sidewalk

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: Scene of incident

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:

PC 38.04(b)(2)(A) Evading Arrest or Detention

Offense 2:

Offense 3:

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: Crime Against Property

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: No

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

Attempt to Injure Others?: No

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?:	Yes
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:	No	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:

On December 12, 2023, at approximately 10:00 PM the Brownfield Police Department in Terry County Texas responded to a disturbance at 505 East Hill Street, Brownfield, TX. Officers located a suspect and attempted to make contact with the individual. The subject fled the location in a motor vehicle. Officers from the Brownfield Police Department terminated the pursuit outside of the city limits after losing sight of the vehicle and poor weather conditions.

Texas Parks and Wildlife Department Game Warden, Andrew Banda located the fleeing vehicle South of Brownfield, Texas on Highway 137. Banda fired shotgun rounds at the fleeing vehicle at the intersection of Texas 137 and County Road 219 to disable the vehicle. The attempt to disable the vehicle was unsuccessful.

Warden Banda pursued the vehicle on Highway 137 South into Dawson County, Texas. The pursuit turned West on Highway 83 into Gains County, Texas. The vehicle turned back East on 83 before reaching Seagrave, Texas. Banda again used gunfire to disable the vehicle on Highway 83 as the vehicle drove past him.

The vehicle was struck by bullets from Banda's gunfire. The vehicle turned south on County Road 119 in Gains County, Texas. The pursuit ended on County Road 126 East of County Road 115 in Gains County, Texas.

Kevin Ray Mills, the deceased, quickly exited his vehicle and approached Warden Banda. Warden Banda walked backwards with his shotgun extended towards Mills. Banda immediately identified himself as a state police officer and repeatedly gave commands to stay back and show him his hands. Mills repeatedly stated, "shoot me" and continued to approach Banda quickly in a threatening manner. Banda retreated backwards while repeating his commands and fired two rounds from his shotgun.

Life saving measures were attempted. Mills was pronounced dead at 23:15PM by medical personnel who later arrived. The Department of Public Safety's Texas Rangers and Texas Parks and Wildlife Department's Office of Internal Affairs are investigating this incident.