KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	23-1805-UF	Version Type:	ORIGINAL VERSION
Report Date:	1/16/2024 12:25 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Austin Police Dept.	Agency Address:	PO BOX 689001
Agency City:	Austin	Agency State:	TX
Agency Zip:	78768		

Director Information

Director Salutation:	Chief	Director First Name:	Robin
Director Middle Name:			
Director Last Name:	Henderson		
Reporter Name:	Shane Streepy	Reporter Email:	shane.streepy@austintexas.gov

Decedent Information

Identity of Deceased

First Name: Trei

Middle Name: Michael

Last Name: Hernandez

Suffix:

Date of Birth: 10/17/1994

Sex: Male

Race: Black or African American

Age At Time Of Death: 29

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

Date/Time of Custody or Incident: 12/16/2023 11:52 PM

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

Death Date and Time: 12/17/2023 12:02 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 pending

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

Pending autopsy

Manner of Death: results

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: 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:	200 block East 6th Street	City:	Austin
County:	Travis	Zip:	78701

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:

N/A

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:

Aggravated Assault

Offense 2:

Felon in Possession of Firearm

Offense 3:

Deadly Conduct

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: Other, specify

Type of Offense, Other:

Texas Penal Code section 46.03, Places Weapons Prohibited

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: Discharged firearm

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; Injured civilian(s) or other inmate(s); 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?:	Unknown
Exhibit any mental health problems?:	Unknown	Exhibit any medical problems?:	No

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:	Unknown	Escape or attempt to escape/flee custody:	No
Attempt gain possession officer's weapon:	No		

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 16, 2023, at approximately 11:52 p.m., officers wearing Austin Police uniforms assigned to the 6th street patrol area were approached by a complainant who notified them that an individual was attempting to enter a bar with a gun, which is a violation of Texas Penal Code section 46.03, Places Weapons Prohibited.

Less than a minute later, officers arrived at the bar located on the 200 block of E 6th street. As the officers approached the entrance, an employee of the bar denied entry to the male suspect. The suspect was later identified as Trei Michael Adriec Hernandez. Hernandez moved away from the doorway to an adjacent window. The bar employee told officers that Hernandez did not want to be searched before entering the bar. The bar employee then told officers, “He can’t get in. He’s got a weapon on him.”

At approximately 11:54 p.m., as officers approached Hernandez, Hernandez immediately pulled out his firearm and pointed it in the direction of officers and innocent bystanders. Three APD officers fired their Department-approved firearms at Hernandez, and Hernandez fired his weapon as well. Hernandez sustained multiple gunshot wounds and was pronounced deceased on scene at approximately 12:02 a.m.

Three bystanders sustained injuries during the incident. They were transported to the hospital. One received serious injuries, and the other two have non-life-threatening injuries. No officers were injured in the incident.