KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	24-1438-UF	Version Type:	AMENDED
Report Date:	10/8/2024 7:33 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:	Lisa
Director Middle Name:			
Director Last Name:	Davis		
Reporter Name:	Daryl Bone	Reporter Email:	daryl.bone@austintexas.gov

Decedent Information

Identity of Deceased

First Name: Franklin

Middle Name: Earl

Last Name: Miller

Suffix:

Date of Birth: 12/3/1964 Sex: Male

Race: Anglo or White

Age At Time Of Death: 59

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

Date/Time of Custody or Incident: 9/10/2024 11:24 PM

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

Death Date and Time: 9/10/2024 11:33 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: Homicide (includes Justifiable Homicide)

Medical Cause of Death:

Medical Cause of Death:

Gunshot wounds

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?: Handgun; 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:	1724 W. Anderson Lane	City:	Austin
County:	Travis	Zip:	78757

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:

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?:	No

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:
Attempted Capital Murder	
	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:	Violent Crime Against Persons; 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:	Yes, mark all that apply
Decedent Display or Use Weapon Details:	Displayed firearm without discharge

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

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?:	Unknown

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

Barricade self or initiate standoff?:	Yes	Resist being handcuffed or arrested?:	N/A
Physically attempt/assault officer(s):	N/A	Gain possession of officer's weapon:	N/A
Verbally threaten other(s) including law:	Yes	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 Tuesday, September 10, 2024, at approximately 10:59 p.m., Austin 9-1-1 received a call of a Prowler/Hot Shot at 1724 West Anderson Lane. The caller advised that a White male, later identified as Franklin Earl Miller, was attempting to break into her business and pulling on the doors. The caller advised she was watching via cameras and saw Mr. Miller holding a rock. The caller also advised it appeared he had a gun in his waistband. Within two minutes, APD officers were dispatched to the scene.

At approximately 11:11 p.m., APD officers arrived on the scene and made contact with Mr. Miller; however, he was non-compliant with the officers' commands. One minute later, Mr. Miller placed his hand near his waistband and was holding onto an object, which appeared to be a pistol. Officers directed Mr. Miller to put his hands up, but he did not comply with the officers' repeated commands.

Throughout the interaction with officers, Mr. Miller made sudden and exaggerated movements. APD officers continued de-escalation efforts with the intent to get Mr. Miller to comply. At approximately 11:20 p.m.,

officers observed Mr. Miller gripping a pistol in his hands. Officers repeated commands for Mr. Miller to put down his firearm, but he continued to be non-compliant.

At approximately 11:25 p.m., after 14 minutes of attempting to get Mr. Miller to comply, he raised the gun he was holding in the direction of the officers. Officers discharged their Department-approved firearms at him. Officers then immediately began rendering life-saving measures on Mr. Miller.

At approximately 11:30 p.m., Austin-Travis County Emergency Medical Services (ATCEMS) entered the scene and provided medical attention to Mr. Miller. Mr. Miller was pronounced deceased at 11:33 p.m.

No officers or other members of the public were injured during the incident. Currently, there are no charges pending, though the case remains under active investigation.

This incident was captured on multiple officers' body-worn cameras. Body-worn camera videos do not always capture everything the officer or witnesses saw or experienced during the incident; however, the footage helps us understand what occurred.

The materials include comprehensive footage of the officers' actions and contain graphic content and language. Viewer discretion is advised.

MATERIALS BEING RELEASED:
• One 9-1-1 audio file
• One Police Radio Traffic audio file
• Body-worn camera
• Patrol car dash camera
All of the released materials are available on the Department's YouTube and other social media platforms.