KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number:	PA16410C	Report Date:	9/13/2016 1:37 PM
Status:	Submitted		

Agency/Facility Information

Department ID:	32	Department Type:	POLICE
Agency Name:	Austin Police Dept.	Agency Number:	TX2270100
Agency Phone:	5129745069	Agency Address:	P.O. Box 689001
Agency City:	Austin	Agency County:	Travis
Agency State:	TX	Agency Zip:	78768

Director Information

Director Salutation:

Chief

Director First Name:

Art

Director Middle Name:

Director Last Name:

Acevedo

Reporter Name: Sgt Scott Perry

Reporter Email: scott.perry@austintexas.gov

Location / Custody Information

Where did the event causing the death occur?

Street Address: 12501 Tech Ridge Blvd

City: Austin

County: Travis

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

Type of Custody:

Police Custody (pre-booking)

Specific type of custody/facility:

Specific Type of Custody/Facility:

Custody of Peace Officer during/fleeing arrest

Custody Type Facility:

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: At medical facility

Death Location Elsewhere:

Decedent Information

Identity of Deceased

First Name: Caesar

Middle Name:

Last Name: Garcia

Suffix:

Date of Birth: 6/20/1981 Sex: Male

Ethnicity: Hispanic

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

Death Date and Time: 9/5/2016 9:36 AM

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

Date/Time of Custody or Incident:

9/5/2016 8:43 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)

Manner of Death Description:

Death Reason:

Injuries only

Medical Cause of Death:

Medical Cause of Death:

gun shot 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 staff

Death Causer Other:

If a weapon caused the death, what type of weapon caused the death? (mark all that apply)

Type of Death Weapon:

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?:

Don\'t know

If death was an accident, homicide or suicide, what was the means of death?

Means of Death:

Firearm

General Information

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 Assaulted on a Public Servant

Offense 2:

Offense 3:

Were the Charges::

Not filed at time of death

What were the types of charges or reason for contact?

Type of Offense:

Injuries of Decedent

Injured By: Injured by Officer

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

Appear intoxicated (alcohol or drugs): No

Exhibit any mental health problems?:

Exhibit any medical problems?:

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

Threaten the officer(s) involved:	No	Resist being handcuffed or arrested?:	No
Try to escape/flee from custody:	No	Grab, hit or fight with the officer(s):	No

Other Behavior:

Specify Other Behavior:

Use weapon threaten/assault officer(s):	1

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 September 5, 2016, Austin police officers responded to a 911 call of a family disturbance. The caller stated her ex-husband, Garcia, was attempting to enter her residence and had made threats to "run at police with a knife."

When officers arrived, Garcia was located in the parking lot holding a rifle. Officers attempted to subdue Garcia by less lethal means, but the rounds were not effective and Garcia quickly walked away. Garcia then began turning towards officers while still holding his rifle. Two officers fired their rifles, striking Garcia. Garcia was transported to the hospital where he was pronounced deceased.