

# Austin Police Department

Presentation to the

# Human Rights Commission

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# Purpose & Philosophy

- The purpose of this policy is to provide officers with guidance on objectively reasonable response to resistance.
- The Department recognizes and respects the value of all human life and dignity without prejudice to anyone.

# Duty to Intercede

- Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers should also promptly report these observations to a supervisor.

# Response to Resistance Policy

- While the types and extent of force may vary, it is the policy of this Department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

# Definitions

- Objectively Reasonable-An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight, and within the limitations of the totality of the circumstances presented at the time of the incident.
  - Graham v. Connor-"the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight".
- Force-Any physical contact with a subject by an officer using the body or any object, device, or weapon, not including unresisted escorting or handcuffing a subject.

# Statistics

2013 Response to Resistance Data	
Total Contacts	490,377
Total Arrests	48,649
Subjects who had force used	1,686
Subjects who received force as % of contacts	0.30%
Subjects who received force as % of arrests	3.50%

96.5% of all arrests carried out with no use of force.

92% of cases where force was used, it was level 3 force.

# Levels of Force

## Level 1

- force resulting in death or substantial risk of death
- intentional firearm discharge at a person, vehicle or structure
- unintentional firearm discharge resulting in another person's injury or death
- force resulting in serious bodily injury requiring admittance to the hospital
- use of impact weapon that strikes subject's head

## Level 2

- strike to the head with any weaponless technique
- use of impact weapon that strikes subject (other than head)
- deployment of a police canine resulting in a bite or injury
- use of Taser that causes incapacitation

## Level 3

- use of chemical agent (e.g., pepper spray)
- use of Taser that does not cause incapacitation
- use of impact weapon that does not strike subject
- use of baton for non-striking purposes
- force resulting in injury or complaint of pain beyond the temporary discomfort of un-resisted handcuffing
- use of weaponless technique

# Response to Resistance Review

- Level 1
  - Concurrent investigations by IAD and SIU
  - Supervisor will respond to the scene
    - Ensure medical attention for those involved
    - Secure and separate witnesses
    - Ensure crime scene is established and secured
    - Organize a canvass for witnesses, security cameras

# Response to Resistance Review

- Level 2
  - Supervisor will respond to the scene and conduct a review
    - Ensure medical attention is provided in needed
    - Interview subject involved, witnesses, and record interviews on MAV if possible
    - Secure and process the scene as necessary
    - Ensure photos are taken to document the subject's condition and the overall scene
    - Send email to Chain of Command up to commander

# Response to Resistance Review

- Level 2 cont'd
  - Complete response to resistance inquiry memo outlining event, any issues with tactics, training, or equipment, and whether use of force was within policy and objectively reasonable
  - Prepare a response to resistance inquiry packet for the Chain of Command
- Chain of Command
  - Entire chain through Commander reviews the packet and documents whether the use of force was within policy and objectively reasonable
  - Evaluate for any issues with training, tactics, or equipment

# Response to Resistance Review

- Level 3
  - Supervisors will respond to the scene of level 3 incidents involving
    - Use of OC spray or other chemical agent
    - Use of Taser
    - Use of impact weapon
    - Any incident resulting in injury or complaint of pain beyond the temporary discomfort of unresisted handcuffing.
  - Chain of Command through the Commander will review the incident and document whether or not it is within policy and objectively reasonable

# Training

Racial Profiling  
Cultural Sensitivity  
Response to Resistance

# Racial Profiling and Cultural Sensitivity

Austin Police Department (APD) officers receive significantly more training than required by the Texas Commission on Law Enforcement (TCOLE) while attending the police academy.

- The APD academy is 1280 hours
- TCOLE requires 643 hours
- Many of the additional hours are spent teaching APD officers in the areas of response to resistance and cultural sensitivity.

# Multiculturalism and Human Relations

- Impartial law enforcement.
- No person treated unfairly or with preferential treatment.
- Discuss public perceptions towards law enforcement, and the value of officers treating others with respect and sensitivity.

## Racial Profiling

- Examines the phenomenon of racial profiling.
- Introduces legal aspects and legislative requirements.

## Spanish and Intermediate Spanish

- This course improves our officers ability to better understand and communicate with the Hispanic community.

# Perspectives on Profiling

- Interactive learning experience that allows the cadet/officer to become a character in life-like police scenarios.
- Each cadet/officer engages in critical decision-making events that reinforce important ethical and value-based skills.
- Generates discussion opportunities and demonstrates the consequences of accumulated emotional responses and courses of action.

## Crucial Conversations

- Officers have conversations of all types, including those about racial and cultural issues with others within the organization. This has been very impactful because officers learn about other cultures from those who we work with each day.
- Profiling and cultural issues are part of the Law Enforcement culture.
- Law Enforcement is the only profession that documents the race, age, sex, and demographic information about those we deal with.

# Community Immersion Project

- The Community Immersion Project was developed by the Austin Police Department as tool for cadets to better understand the unique attributes of our diverse Austin community.
- They learn what culturally diverse groups believe the police department is doing well, and these groups know better than most where the police department has potential for improvement.
- Numerous cultural topics are addressed in this project.

## The groups of focus for this project:

- African American
- Hispanic
- LGBT
- Homeless
- Mental Health
- Asian American
- Middle Eastern
- Deaf

# POLICY DEFINITIONS

**Bias-Based Profiling** - Any pattern or practice that includes, but is not limited to, stopping, detaining, frisking, or searching of subjects by police officers based on an individual's race, ethnicity, nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

**Racial Profiling** - Bias-based profiling specifically dealing with initiating a law enforcement action based on an individual's race, ethnicity or nationality.

*The Austin Police Department profoundly rejects the practice of bias-based profiling and attempts to accurately document officer-initiated contacts with the public.*

# Response to Resistance and De-escalation

## Firearms Training

- Cadets receive 8 hours of classroom instruction and 118 hours of range instruction. Firearms training also includes decision making components.
- APD has a mandatory monthly firearms training for all sworn employees.
- Students are required to show proficiency with different weapons, tactics, and concepts. Recently, we have included scenario-based training with simunitions, commonly known as paint bullets.
- TCOLE mandates every peace officer qualify annually.

## Less Lethal Response

- APD spends **99.5 hours of classroom instruction and 90 hours of hands on instruction** and application, with cadets in this area, for a total of 189.5 hours.

# Less Lethal Options

- Handcuffing
  - PR-24
  - ASP Baton
  - Ground fighting
  - Edged weapon defense
  - Weaponless strikes
  - Disarming
  - Take-Downs
  - OC Spray
  - Taser
  - Less Lethal shotgun
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- Cadets are given scenario-based exercises that require target discretion and decision-making skills.
  - Numerous elective classes are provided to in-service officers in these areas throughout the year to improve their decision making and skills.

## **De-escalation response**

- Mental Health/Crisis Intervention
- Spanish
- Communication and Problem Solving
- Tactical Communication & De-escalation (a.k.a. “Verbal Judo”)
- Effective Communications
- Will to Win
- Veteran’s Tactical Response

## **Cadet Specific Specialized Training/Evaluation**

- Tactical Week
- Criminal Law Role Play

# APD Philosophy – Response to Resistance

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may exercise control over another in carrying out their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and objectively reasonable force and to protect the public welfare requires a careful balancing of all human interests.

# Questions?