

Austin Police Department Critical Incident Release Policy

Overview: This policy reflects APD's commitment to fostering greater public trust by increasing transparency with respect to APD and the community it serves. This policy will establish criteria for when video footage of certain police critical incidents will be released to the public. This policy was developed in partnership with; *Office of Police Oversight, Travis County District Attorney's Office, Austin Justice Coalition, ACLU, Just Liberty, Grassroots Leadership, and Texas Fair Defense Project.*

Purpose: The people of our community have an undeniable interest in being informed, in a timely fashion and based on the most accurate information available about incidents where officers use lethal force, or when the use of force by the police results in the serious bodily injury of a person.

What Are Critical Incidents?

- Officer-involved shootings, including unintentional discharge while in the course of duty or in response to a call, regardless of whether a person was hit by gunfire and even if no allegation of misconduct is made
- A use of force resulting in death or serious bodily injury as defined by Section 1.07, Texas Penal Code
- All deaths while an arrestee/detainee is in the custodial care of the Department unless there is no preliminary evidence of any of the following: misconduct, a use of force, or an act committed by an arrestee/detainee that appears intended to cause injury or death; or
- Any other police encounter where the Chief of Police determines release of video furthers a law enforcement purpose

Timeline

Release: If the Chief of Police determines that releasing video following a critical incident is appropriate pursuant to this policy, then the Department will post the relevant video imagery on a publicly accessible website within **90 days** of the incident.

Delayed Release: Under certain circumstances, the release of the video must be delayed to protect the following:

- Safety of the involved individuals, including officers, witness, bystanders, or other third parties
- Integrity of an active investigation (including criminal or administrative) or criminal prosecution
- Confidential sources or investigative techniques
- Constitutional rights

Notifications and Consultations: If the Chief of Police determines that no video will be released following a critical incident, then the Department will post a statement summarizing the reasons within **60 days** of the incident. The following will be notified of this decision:

- Officers depicted in the video and/or significantly involved in the use of force
- Subject upon whom force was used
- District Attorney's Office and the City Attorney's Office
- Office of Police Oversight



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