



ACADEMY CURRICULUM RECOMMENDATION

TO: Chief Lisa Davis, Austin Police Department
FROM: Director Gail McCant, Office of Police Oversight
DATE: Thursday, February 27, 2025
SUBJECT: Civil Process and Liability

Dear Chief Davis:

The Office of Police Oversight (OPO) is collaborating with the Educational Development Unit of the Austin Police Department (APD) to enhance the academy's curriculum. OPO's Policy Compliance Consultant is a member of the Professional Advisory Committee (PAC), which is responsible for reviewing, evaluating, and providing feedback for improvement.

In addition to the subject matter experts hired by APD, the OPO has reviewed APD's curriculum for Civil Process and Liability and provided the following recommendations for improvement:

1. Learning Objective 1.1: Students will identify basic civil law procedures and learn the basic responsibilities of the Texas Constable.

This section should focus less on constable and sheriff duties and more on what officers ARE and ARE NOT responsible for concerning civil law procedures. Possibly using a chart listing each entity's responsibilities would help communicate this information more efficiently.

2. Learning Objective 1.3: Students will identify and discuss possible imposed liabilities for improper acts by the officer and the outcomes occurring in that course of action.

Content should emphasize a professional and realistic tone toward civil liabilities, ensuring that the student clearly understands the potential consequences of civil litigation. The Kroll report titled "Community Impact of Police Misconduct: Analysis of APD Excessive Use of Force and Other Misconduct Litigation" (April 21, 2023) should be used as a resource to help demonstrate the cost of civil litigation. In this report, Kroll reviewed litigation relating to incidents of alleged police misconduct and analyzed its impact on the City of Austin and the community. More scenarios should be included in this section to demonstrate officer liability; there are currently only two.

*Hard copy handouts of resources, Texas Penal Code 9.05 and 9.06, and the Texas Civil Practices and Remedies Code that pertain to section 1 (14.1) scenarios should be provided for students to refer to as they are discussed.



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3. Learning Objective 1.4: Students will describe the difference between civil and criminal law and classify situational cases accordingly.

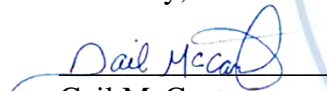
Since officers can be held liable under both civil and criminal law, it is important to thoroughly demonstrate the differences. APD should clearly distinguish between Criminal and Civil Law, including more specific examples of common scenarios, and explain how they may overlap in some cases.

4. Learning Objective 3.2: The student will assess various calls for service involving a civil dispute. The student will discuss and construct a plan of how to respond.

This section should be allocated more time. Providing students with a plan to respond to common civil dispute situations is a valuable part of the curriculum. Currently, only thirty minutes are allocated for this section.

The Office of Police Oversight appreciates the chance to offer constructive feedback on the Austin Police Department's academy curriculum, recognizing that there is room for improvement. We look forward to ongoing collaboration on current and future curriculum development to ensure continuous improvement and effectiveness.

Sincerely,


Gail McCant