



Community Feedback and Final Recommendations for 8 Can't Wait Policy Initiatives



OFFICE OF
POLICE OVERSIGHT

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Executive Summary

In January 2021, the Office of Police Oversight (OPO) published a review of six use-of-force policies within the Austin Police Department (APD) policy manual, known as the General Orders.¹ At the direction of the Austin City Council and the City Manager, OPO compared APD's use-of-force policies to national best practices in policing and made recommendations.² In May 2021, OPO engaged community members through a series of virtual events and a survey. The purpose of the events and survey was to gather feedback on APD's current use-of-force policies and OPO's recommended changes. Community members submitted more than 1,400 surveys with more than 2,200 comments.

This report summarizes the community's feedback on APD's use-of-force policies and OPO's proposed changes. Below are the highlights of community sentiment on APD use-of-force policies.

Community feedback on specific APD use-of-force policies



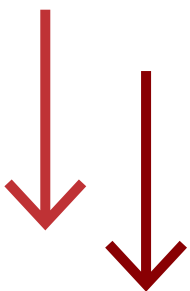
Restrict shooting at moving vehicles

- 47% of respondents agreed that officers should be prohibited from the act of shooting while driving or riding in a moving vehicle, while another 47% disagreed
- While those who supported allowing shooting at moving vehicles were concerned about limiting officers' tactical options, some community members incorrectly believed that officers are trained on this tactic.
- Community members who supported limiting shooting at a moving vehicle responded that it could put bystanders at risk.



Exhausting all alternatives before using deadly force

- 52% of respondents said police should use all available alternatives before using deadly force.
- Community members in favor of changing APD policy expressed a need for more predictability in interactions with the police, particularly for people with mental health conditions who are at risk for unnecessary deadly force.
- Those who supported the existing policy were concerned that the proposed change in policy would limit officer discretion.



De-escalation

- 61% of respondents said that policies should acknowledge or address factors that could affect someone's ability to follow an officer's orders, such as a disability, a mental health condition, or fear.
- Community members were split on whether violence is integral to policing or is not integral and should be de-emphasized.
- Community members who supported change reasoned that de-escalation is significant for people living with a mental health condition.

Executive Summary

Duty to Intervene



- 80% of respondents said that any officers who witness improper or excessive use of force by any other officer and do not interfere should be required to report the full circumstances of the incident.
- Feedback related to this topic showed overwhelming support for a policy that would require officers to intervene for professional and ethical integrity reasons.
- Some community members in support of a duty-to-intervene policy expressed concern about protecting officers who do the reporting or intervene.

Ban Chokeholds and strangleholds



- 53% of respondents agreed that chokeholds and strangleholds should be banned outright.
- Community members who supported such a ban reported that chokeholds involve too much risk of becoming unintentionally lethal, that this tactic instills fear in the community, and that there should be more training on alternative procedures.
- Many responses in support of allowing the use of chokeholds were based on the assumption that APD officers are trained on this tactic when, in fact, they are not. A minority of community members also believed that chokeholds and strangleholds are not actually deadly.

Warn before shooting



- 55% of respondents believed that policy must specify how an officer should give a warning before shooting.
- Community members who supported changing APD policy said that the current policy doesn't account for situations where a person may not hear or understand an officer's warning, including those who do not understand English or are living with a mental health condition.
- Community members who did not support changes to APD policy were concerned that officers might not have enough time to provide a warning in every situation, so this policy change could put them in danger.

Executive Summary

Additional community feedback on APD use of force

- Lethal force tactics may undermine efforts to build community trust in police. To begin to build community trust, APD should focus on reducing its use of lethal force tactics and eliminating unnecessary instances of lethal force.
- APD policy should be revised to categorically prohibit the use of maneuvers that could negatively impact air intake or blood flow.
- APD should revise policy to prioritize community and officer safety by prohibiting force tactics that are ineffective and on which officers are not trained. Failure to do so may lead to an increased risk of uncontrollable consequences.
- Policies and training should be examined and revised to ensure that all community-police interactions reflect a service-minded and situationally-aware approach.
- Changes to APD policy should be based on best practices, including evidence-based practices, that prioritize community and officer safety.
- APD should revise policy and training to focus on equity and accountability, particularly by providing clearer guidelines to officers. Consistent equitable treatment of community members and consistent accountability for officers who engage in misconduct can help increase predictability in community-officer interactions, which can help improve trust within the community and combat issues of disproportionate or disparate treatment.
- APD policy should include more defined terms and procedures to ensure officers are better informed of department expectations and prepared for their work in the field. Policies inform training, so policies that include defined terms and procedures can help ensure that officers are well prepared for the field. This can help improve officer and community safety.

Next Steps

- APD, with support from the City Manager's Office, will review OPO's final recommendations before incorporating them into the General Orders.
- APD will bring changes to the General Orders to City Council for feedback before they are implemented, as instructed by City Council.

Background

This report concludes a three-phase process led by the Office of Police Oversight (OPO).³ The process was initiated after several resolutions were passed by the Austin City Council in June 2020.⁴

City Council Resolutions to Reimagine Public Safety

In June 2020, City Council passed a series of resolutions aimed at restricting the use of force by law enforcement and reimagining public safety in Austin.⁵ As part of those resolutions, the City Manager directed the OPO to facilitate a rewrite of the Austin Police Department (APD) policy manual, known as the General Orders. The rewrite that OPO has been tasked with facilitating will cover all policies, including those related to search and seizure, body-worn cameras, dashboard cameras, mental health response, discipline, bias, language, and courtesy.⁶

The City Manager also directed OPO to issue recommendations on use-of-force policies.⁷ Policies regarding the use of force cover a wide range of topics, including de-escalation, exhausting all alternatives before using deadly force, impact munitions, TASER devices, chokeholds, and comprehensive reporting.⁸

Three-Phase Approach

OPO developed a three-phase approach to conduct the rewrite of APD's General Orders related to 8 Can't Wait.

In Phase I, OPO examined relevant APD policies and researched best practices related to those policies. OPO published a report in January 2021 highlighting the main concerns with existing policy language and recommended policy changes.⁹ The report examined whether APD's current policies aligned with best practices and the City of Austin's official position on these topics.¹⁰ Additionally, OPO examined whether APD's policies aligned with the model policies at the center of 8 Can't Wait, an initiative by Campaign Zero that advocates for policies that reduce the use of deadly force by police.¹¹

In Phase II, OPO conducted a community engagement campaign to gather feedback on APD's current policies and OPO's proposed policy changes. The campaign included outreach through events and surveys. This community engagement effort aligned with OPO's community-centered approach to oversight and City Council's directive that OPO conduct the General Orders rewrite through an open process, seeking feedback and input from the community.¹²

Finally, in Phase III, OPO compiled and analyzed the community feedback collected in Phase II. This report discusses that analysis and proposes final policy recommendations to APD. APD, in consultation with the City Manager's Office, will review the recommendations before incorporating them into the General Orders.¹³ APD will subsequently bring the proposed modified General Orders to City Council for feedback before implementing them.¹⁴

Background

Analysis of Community Feedback

OPO analyzed more than 1,400 survey responses, including 2,200 qualitative responses, to produce three categories of information in this report:

- **Community feedback on use-of-force policies** are conclusions drawn from the quantitative and qualitative data directly related to the six use-of-force policy topics.
- **Overarching themes** reflect the sentiments expressed by community members through answers to open-ended survey questions. These insights are not necessarily specific to use-of-force policies, but rather reflect community feedback on APD's policies overall.
- **General impressions from community feedback** are topics that OPO saw repeatedly across data, but that are not necessarily related to policy. Many of these sentiments reflect community concerns about policing and reform more broadly. Unlike the previous two sections, this section does not include recommendations.

Community Feedback on Use-of-Force Policies

This section discusses community feedback on use-of-force policies. The feedback is categorized by policy topic and is drawn from both quantitative and qualitative data.

The first part of this analysis will revisit the findings and recommendations published in OPO's Phase I report: [8 Can't Wait Policy Review and Recommendations](#).¹⁵ OPO's Phase I report covered the following six policy areas related to use of force:

1. Restrict shooting at moving vehicles
2. Exhaust all alternatives before using deadly force
3. De-escalation
4. Duty to intervene in cases of improper or excessive use of force
5. Ban chokeholds and strangleholds
6. Warn before shooting

OPO based its preliminary recommendations on a comparative analysis between APD's current policies and those of 100 other U.S. police departments. Recommendations were also based on research into best practices from police organizations like the Police Executive Research Forum (PERF) and the International Association of Chiefs of Police (IACP). These are both organizations from which APD and other police departments draw their policies and training.

Next, this section will discuss community feedback collected during Phase II: OPO's community engagement campaign to gather input from the public about proposed changes to policies. This outreach effort included four virtual forums hosted on Zoom, digital surveys collected via *SpeakUp, Austin!* and Zoom, and other forms of community engagement.

OPO analyzed more than 1,400 survey responses to produce community feedback on use-of-force policies. Community feedback on use-of-force policies are conclusions drawn from the quantitative and qualitative data related to the six use-of-force policy topics. Quantitative data consisted of answers to sixteen multiple-choice questions collected in the survey. Qualitative data consisted of answers to two open-ended questions in the survey and comments recorded during four virtual community events.

Both sets of data were analyzed to understand whether community members felt policy changes were needed, whether community members were amenable to changes proposed by the Office of Police Oversight, and whether community members' responses highlighted any other related considerations.

This section will include high-level summaries of the qualitative and quantitative data, with direct quotations from community members. The quotations in this report are unedited and were selected to highlight the diversity of opinions across the community.

Finally, this analysis recommends ways for APD to change its use-of-force policies in a manner that aligns with community perspectives. All recommendations within this section also align with current best practices for safeguarding the safety of community members and police officers.

Restrict Shooting at Moving Vehicles



Research shows that shooting at moving vehicles is a dangerous and ineffective tactic with a high risk of injuring bystanders.¹⁶ Campaign Zero's 8 Can't Wait initiative recommends that police departments restrict the circumstances under which officers may shoot at moving vehicles.¹⁷

In Resolution 95, the Austin City Council said it was the official policy of the City that “[u]se of deadly force against individuals, including persons fleeing (in vehicle or on foot), shall be limited to situations where necessary for self-defense or defense of others against an imminent deadly threat or threat of serious bodily injury, and either there were no other reasonable alternatives to prevent serious injury, or death or all reasonable alternatives have been exhausted.”¹⁸

APD's current policy is silent on the issue of shooting from moving vehicles and does not sufficiently restrict shooting at moving vehicles.¹⁹ Increasing restrictions on shooting at moving vehicles has been shown to contribute to a reduction in officer-involved shootings.²⁰

[Click here](#) for OPO's Phase I analysis of this policy topic.

Analysis of community feedback on restricting shooting at moving vehicles

Quantitative Data

- 51% of respondents reported that they felt safe with the current policy on shooting at moving vehicles
- 56% of respondents disagreed that, under all circumstances, shooting at moving vehicles should be prohibited
- 47% of respondents agreed that officers should be prohibited from the act of shooting while driving or riding in a moving vehicle, while another 47% disagreed

Qualitative Data

Over half of respondents supported the current policy for shooting at moving vehicles, and believe it should be allowed when necessary. Some respondents support shooting at moving vehicles because they believe an officer is adequately trained on this action; however, APD officers are not trained in this area.²¹

Those who expressed support for restricting shooting at moving vehicles reasoned that it can be inaccurate and unsafe due to the additional variables created by a vehicle in motion. Additionally, community members expressed concern that a moving vehicle could be perceived as a threat when, in fact, there was no threat. For example, an officer may perceive a vehicle in motion as a threat, even if it is driving away from officers and bystanders. Further, those who supported OPO's policy changes responded that there should be more guidelines within this policy, and that shooting at

Restrict Shooting at Moving Vehicles



moving vehicles should be restricted except for instances when a vehicle poses immediate, life-threatening danger.

Those who responded that no change was needed reasoned that a car could be used as a weapon and that situations happen too quickly to restrict officers. Additionally, those not in support of OPO's proposed changes responded that the policy change was too restrictive and that a vehicle used as a weapon could directly impact an officer's safety.

Below are selected comments from community feedback:

“

“Re: shooting at moving vehicles, Lexipol policy manual states shots fired at and from a moving vehicle are rarely effective. Behavioral change must be more effective.”

“The only reason to shoot at a vehicle is if the vehicle is moving towards the officer and they should only be able to shoot at the tires to stop the vehicle from moving. If the officer feels someone's life is in danger inside the vehicle and the vehicle is moving away from the officer they should be able to shoot the tires. If my child was in a car with a kidnapper and an officer was there I would want them to stop the car. If the car is moving away from the officer, shoot the tires, if the car is moving towards the officer they should be able to shoot the tires. Shooting at tires is the best thing.”

“I suggest that officers can only shoot at a moving vehicle only to disable the vehicle and not to shoot at occupants of the vehicle.”

”

Restrict Shooting at Moving Vehicles



Recommendations from community feedback

Adopt OPO's amended recommendations

OPO's preliminary review of APD's policy on shooting at moving vehicles highlighted two concerns:²²

- Shooting at moving vehicles was not sufficiently restricted
- The policy was silent on the topic of shooting from moving vehicles

While the majority of community members supported APD's existing policies, many community members' responses demonstrated misunderstandings as to the effectiveness of the tactics and the current training offered to APD officers.

In its Phase I report, OPO made a series of recommendations to improve APD's policies, particularly considering the fact that APD does not train officers to shoot at or from moving vehicles.

The table below compares APD's current policies and OPO's proposed recommendations with Austin City Council Resolution 95, 8 Can't Wait, and best practices from leading police organizations.

Table 1. Comparing OPO's Proposed Recommendations and APD's Current Policy on Shooting at Moving Vehicles

OPO's Proposed Recommendations	APD's Current Policy
Aligns with information from:	Aligns with information from:
 YES Police Executive Research Forum ²³	 NO Police Executive Research Forum ²⁷
 YES International Association of Chiefs of Police ²⁴	 NO International Association of Chiefs of Police ²⁸
 8 Can't Wait ^{*25}	 NO 8 Can't Wait ²⁹
 YES Austin City Council Resolution 95 ²⁶	 NO Austin City Council Resolution 95 ³⁰

**Model policies for Campaign Zero's 8 Can't Wait initiative do not address mass casualty incidents.*

Restrict Shooting at Moving Vehicles



Since OPO made preliminary recommendations in January 2021, there have not been any updated best practices contradicting this information. In fact, in June 2021, the Police Executive Research Forum published a statement doubling down on its position, which aligns with OPO’s recommendations. The Police Executive Research Forum is a non-profit police research and policy organization that informs policy and training at law enforcement agencies nationwide, including APD.³¹ In particular, the Police Executive Research Forum recommends that “[a]gencies should adopt a prohibition against shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself.”³²

OPO has analyzed the community’s feedback. OPO has also considered current best practices, including the consensus among experts that shooting at or from moving vehicles is dangerous and rarely effective even when officers are trained.³³ After examining all of this information, OPO recommends that APD adopt OPO’s preliminary recommendations with the following amendment:

Table 2. OPO’s Preliminary and Amended Recommendation to APD’s Policy on Shooting at Moving Vehicles

OPO’s Preliminary Recommendation GO 202.1.3(a)(1)	OPO’s Amended Recommendation GO 200.1.2 and GO 202.1.3(a)(1)
<p>202.1.3 MOVING VEHICLES</p> <p>(a) Officers shall only discharge their firearms at a moving vehicle if, based on the totality of the circumstances, they have exhausted all possible alternatives and:</p> <ol style="list-style-type: none"> 1. an occupant of the vehicle is using deadly force by means other than the vehicle itself 	<p>200.1.2 DEFINITIONS</p> <p><u>Totality of the Circumstances- The facts and information known to the officer at the time of the incident, which serve as the basis for the officer’s decision to use force.</u></p> <p>202.1.3 MOVING VEHICLES</p> <p>(a) Officers shall only discharge their firearms at a moving vehicle if, based on the totality of the circumstances, they have exhausted all possible alternatives and:</p> <ol style="list-style-type: none"> 1. an occupant of the vehicle is using <u>or immediately threatening</u> deadly force by means other than the vehicle itself

*NOTE: New OPO recommendations are shown in **bold, underlined** text. [Click here](#) for more information about OPO’s preliminary recommendation.*

Restrict Shooting at Moving Vehicles



OPO's recommendations incorporate community feedback and/or the City of Austin's official position by:

- Not categorically prohibiting an officer from shooting at a moving vehicle³⁴
- Restricting the circumstances under which shooting at a moving vehicle would be permissible, including by:
 - Requiring officers to exhaust all alternatives before shooting³⁵
 - Requiring that the driver, or an occupant, of the vehicle be using the use of deadly force, or immediately threatening deadly force, by means other than the vehicle itself³⁶
- Adding more guidelines

OPO's recommendations incorporate guidance from law enforcement research and policy organizations by:

- Not categorically prohibiting an officer from shooting at a moving vehicle³⁷
- Restricting the circumstances under which it would be permissible by:
 - Requiring that the driver, or an occupant, of the vehicle be using deadly force, or immediately threatening deadly force, by means other than the vehicle itself³⁸
- Accounting for situations in which the vehicle itself is being used as a weapon that will more likely than not result in mass casualties (e.g., ramming a car into a crowd of protesters)³⁹
- Creating a duty for officers to move out of the way of a moving vehicle⁴⁰
- Eliminating vague terms⁴¹
- Prohibiting shooting from moving vehicles based on the increased likelihood of risk to innocent bystanders and the lack of training of APD officers⁴²

Exhaust All Alternatives Before Using Deadly Force



This policy recommendation is intended to help eliminate the unnecessary use of deadly force.⁴³ Alternatives to deadly force include tactics and tools like conflict avoidance, empty-hand techniques, and less-lethal force options (e.g., TASER devices).⁴⁴ Campaign Zero's 8 Can't Wait initiative recommends that police departments require officers to exhaust all other alternatives before using deadly force.⁴⁵

In Resolution 95, the Austin City Council said it was the official policy of the City that "[u]se of deadly force against individuals, including persons fleeing (in vehicle or on foot), shall be limited to situations where necessary for self-defense or defense of others against an imminent deadly threat or threat of serious bodily injury, and either there were no other reasonable alternatives to prevent serious injury, or death or all reasonable alternatives have been exhausted."⁴⁶

APD's current deadly force policy does not require officers to exhaust all alternatives before using deadly force.⁴⁷

[Click here](#) for OPO's Phase I analysis of this policy topic.

Analysis of community feedback on exhausting all alternatives before using deadly force

Quantitative Data

- 48% of respondents reported that APD's current policy on exhausting all alternatives before using deadly force does not make them feel safe
- 52% of respondents said police should use all available alternatives before using deadly force

Qualitative Data

Roughly half of all respondents expressed concerns about whether this policy would allow for any exceptions in extreme circumstances. Respondents also voiced support for more clarity about which techniques should be considered alternatives.

Those who responded that change was needed reasoned that a change would result in more predictability and accountability, which would create a safer city more in line with community values. Further, more predictability and accountability in the use of force would create a safer environment for people living with a mental health condition who are especially at risk for unnecessary deadly force. Moreover, respondents expressed support for officers having supplemental training on alternatives to deadly force, explaining that it could save lives.

Exhaust All Alternatives Before Using Deadly Force



Those who responded that no change was needed were concerned that this proposed policy would limit officer discretion and create an unsafe environment favorable to civilians who might commit a crime.

They also said that situations in the field happen too quickly to limit officers' use of deadly force. Further, respondents not in support of OPO's proposed changes said that officers should be able to wield deadly force to protect themselves.

Below are selected comments from community feedback:

“

“Police have to make split second decisions. If someone points a gun at an officer, the officer is justified in shooting. If you don't commit crimes, you are not going to get yourself in a bad situation. If you fight an officer while being arrested, you are responsible for the possibility of being shot!”

“Police should have every possible tool to STOP a suspect from endangering the public. Disarming or mandating a set of procedures will lead to injury or death of police or innocent bystanders.”

“‘Exhaust all alternatives’ is not possible when someone puts a gun in your face. The dynamic response model is the current standard for good reason.”

”

Recommendations from community feedback

Adopt OPO's amended recommendations.

OPO's preliminary review of APD's deadly force policy highlighted one concern:

- There is no requirement to exhaust all alternatives before using deadly force.

In its Phase I report, OPO made a series of recommendations to improve APD's policies. The table below compares APD's current policies and OPO's proposed recommendations with Austin City Council Resolution 95, 8 Can't Wait, and best practices from leading police organizations.

Exhaust All Alternatives Before Using Deadly Force



Table 3. Comparing OPO's Proposed Recommendations and APD's Current Policy on Exhausting All Alternatives Before Using Deadly Force

OPO's Proposed Recommendations	APD's Current Policy
<p>Aligns with information from:</p> <ul style="list-style-type: none">  Police Executive Research Forum ⁴⁸  YES International Association of Chiefs of Police ⁴⁹  YES 8 Can't Wait ⁵⁰  YES Austin City Council Resolution 95 ⁵¹ 	<p>Aligns with information from:</p> <ul style="list-style-type: none">  Police Executive Research Forum* ⁵²  NO International Association of Chiefs of Police ⁵³  NO 8 Can't Wait ⁵⁴  NO Austin City Council Resolution 95 ⁵⁵

**The Police Executive Research Forum has not publicly taken a clear position on this topic, but the concept of exhausting all alternatives appears to align with its broader de-escalation recommendations. ⁵⁶ Additionally, in an assessment of an Arizona police department, the Police Executive Research Forum recommended use-of-force policy language that “prohibits the use of lethal force against individuals who pose a danger only to themselves and not to other members of the public or to officers. Officers should also be required to consider the use of many available less-lethal options in these situations. Officers should be prepared to exercise considerable discretion to wait as long as necessary so that the situation can be resolved peacefully.” ⁵⁷ This recommendation aligns with the concept of exhausting all alternatives before using deadly force.*

Since OPO made preliminary recommendations in January 2021, there have not been any updated best practices contradicting this information.

OPO has analyzed the community's feedback. OPO has also considered current best practices. After examining this information, OPO recommends that APD adopt OPO's preliminary recommendations with the following amendment:

Exhaust All Alternatives Before Using Deadly Force



Table 4. OPO’s Preliminary and Amended Recommendation to APD’s Policy on Exhausting All Alternatives

OPO’s Preliminary Recommendation GO 200.1.2, 200.4, and 202.1.1	OPO’s Amended Recommendation GO 200.1.2, 200.4, and 202.1.1
<p>200.1.2 DEFINITIONS <i>Unreasonable</i> – Conduct which, given the totality of the circumstances, is irrational, not warranted, or not in accordance with practical realities.</p> <p>200.4 DEADLY FORCE APPLICATIONS & 202.1.1 POLICY (b) Deadly force shall only be used as a last resort after all alternatives have been exhausted or when, after analyzing the situation, alternatives have been rendered impossible by the totality of the circumstances.</p> <ol style="list-style-type: none"> Officers shall utilize appropriate tactical communication and decision-making as outlined in General Order 200.2 to ensure that they have the time, distance, and resources to properly respond to situations they encounter. 	<p>200.1.2 DEFINITIONS <i>Unreasonable</i> – Conduct which, given the totality of the circumstances, is irrational, <u>unwarranted</u>, or not in accordance with practical realities. <u>Assessments will be based on an objective examination of real-time facts and information, avoiding hypothetical scenarios.</u></p> <p>200.4 DEADLY FORCE APPLICATIONS & 202.1.1 POLICY (b) Deadly force shall only be used as a last resort after all alternatives have been exhausted or when, after analyzing the situation, alternatives <u>are found to be unreasonable based on</u> the totality of the circumstances.</p> <ol style="list-style-type: none"> Officers shall utilize appropriate tactical communication and decision-making as outlined in General Order 200.2 to ensure that they have the time, distance, and resources to properly respond to situations they encounter. <u>Examples of alternatives to deadly force include, but are not limited to, the following:</u> <ol style="list-style-type: none"> <u>Creating physical barriers or utilizing existing barriers to create separation;</u> <u>Moving to a safer position;</u> <u>Verbal communication, including advisements and warnings;</u> <u>Not engaging in physical confrontation unless immediately necessary (e.g., self-defense, defense of others);</u> <u>Requesting additional resources.</u>

NOTE: New OPO recommendations are shown in **bold, underlined** text. [Click here](#) for more information about OPO’s preliminary recommendation.

Exhaust All Alternatives Before Using Deadly Force



OPO's recommendations incorporate community feedback and/or the City of Austin's official position by:

- Requiring officers to exhaust all alternatives before using deadly force while providing an exception in cases when alternatives are unreasonable⁵⁸
- Adding more guidelines and examples, including:
 - Examples of alternatives to deadly force
 - A thorough definition of "unreasonable" requiring that:
 - Officers only be permitted to determine that alternatives to deadly force were unreasonable after assessing the totality of the circumstances and determining that alternatives are "irrational, unwarranted, or not in accordance with practical realities"
 - Assessments be based on real-time facts and information and avoid hypothetical scenarios

OPO's recommendations incorporate guidance from law enforcement research and policy organizations by:

- Requiring officers to exhaust all alternatives before using deadly force while providing an exception in cases when no reasonable alternatives are available⁵⁹

De-escalation



De-escalation uses techniques designed to safely stabilize a situation, reduce the immediacy of a threat, and resolve an incident with the least amount of force necessary.⁶⁰ The main goals of de-escalation are to:

- Defuse tense situations or conflicts
- Obtain voluntary compliance
- Prevent unnecessary use of force
- Use the least amount of force if force is required⁶¹

Campaign Zero's 8 Can't Wait initiative recommends that, before using force, officers be required to "use proper de-escalation techniques to decrease the likelihood that law enforcement officers will resort to force and to increase the likelihood of cooperation between law enforcement officers and members of the public."⁶² Campaign Zero also recommends that officers determine whether an individual's lack of compliance results from factors like a medical condition, physical limitation, language barrier, etc.⁶³

In Resolution 95, the Austin City Council said it was the City's official policy that "[u]se of force shall incorporate de-escalation tactics in all circumstances, and the response shall be proportionate to the seriousness of the offense and the threat of harm presented."⁶⁴

APD's current policy lacks specificity and does not adequately address real-world situations that may lead to someone's inability to comply with officer instructions.

[Click here](#) for OPO's Phase I analysis of this policy topic.

Analysis of community feedback on de-escalation

Quantitative Data

- 49% of respondents said that APD's current de-escalation policy did not make them feel safe
- 66% of respondents said they believed that APD should add to the list of de-escalation techniques that officers can use
- 61% of respondents said that policies should acknowledge or address factors that affect someone's ability to follow an officer's orders, such as disability, a mental health condition, or fear

De-escalation



Qualitative Data

In this policy area, there was a split between respondents who felt that violence is integral to policing and those who thought it is not integral and should be de-emphasized. Despite this divide, the majority of respondents did express a desire for a robust list of techniques, and consideration of community members.

Those in favor of a change in APD policy reasoned that de-escalation could significantly benefit people living with mental health conditions, could improve community relations, and could increase safety for community members and officers. These respondents expressed support for de-emphasizing violence in policing and reducing the likelihood of an overreaction by an officer, which they believed would be furthered with a change in APD policy. Additionally, they expressed an interest in seeing more clarity and definition in policy regarding the tools and resources available to officers to allow de-escalation of a situation.

Those who responded that no change to APD policy was needed reasoned that situations in the field happen too quickly to follow rigid guidelines, that all tools and uses of force should be available to officers, and that people outside the police force should not set guidelines for officers. Further, respondents not in support of OPO's proposed policies expressed that officers' current training is adequate, that de-escalation creates an unsafe environment for police, and that officers need all options available to them.

Below are selected comments from community feedback:

“

“No, APD's current policies on use of force do not align with my ideas of a safe community. Our Austin community deserves more respect and consideration of preserving life at all costs. APD should not be using displaying such reckless behavior, especially when it comes to those in our community who battle mental health and drug problems. I would vote to completely reallocate all funds to APD to other community groups and practices that focus more on de-escalation, counseling, and refraining from shooting first if at all. I would also, if fund reallocation were not an available option, vote for APD to drastically change their current policies, as I have marked here today. There are too many police-involved shootings in our Austin community. Let's stop the violence.”

“APD's currently policies do not align with my idea of community safety. They leave officers under trained in de-escalation, mental health and alternatives to force tactics. Officers who are not trained in de-escalation techniques are at risk of escalating circumstances to the point of using deadly force on the citizens their apprehending. This puts the officers at risk as well as the citizens they are meant to be protecting.”

”

De-escalation



“

“No, it does not. While it is not possible to lay out how officers should act in every possible interaction, more explicit guidance with clear examples would certainly provide more options for them, especially de-escalation techniques.”

“No. There are many factors that go into why a person may be acting a certain way. De-escalation techniques should always be used as the primary way of handling situations. Plenty of people use them successfully on a regular basis. Nurses use them, social workers use them, I use them. More training in this area could go a long way.”

”

Recommendations from community feedback

Adopt OPO's amended recommendations.

OPO's preliminary review of APD's de-escalation policy highlighted five concerns:

- Under current policy, definitions for "de-escalation" and "de-escalation techniques" provide little detail and no examples.
- The term "potential force encounters" is not defined
- Current policy does not adequately acknowledge or address factors outside of deliberate noncompliance that may affect someone's ability to comply with officer commands
- The policy presents the potential for de-escalation efforts to fail but does not explain the reasons that may happen
- The current policy makes treating people with dignity optional

In its Phase I report, OPO made a series of recommendations to improve APD's policies. The table below compares APD's current policies and OPO's proposed recommendations with Austin City Council Resolution 95, 8 Can't Wait, and best practices from leading police organizations.

De-escalation



Table 5. Comparing OPO's Proposed Recommendations and APD's Current Policy on De-Escalation

OPO's Proposed Recommendations	APD's Current Policy
<p>Aligns with information from:</p> <ul style="list-style-type: none">  YES Police Executive Research Forum ⁶⁵  YES International Association of Chiefs of Police ⁶⁶  YES 8 Can't Wait ⁶⁷  YES Austin City Council Resolution 95 ⁶⁸ 	<p>Aligns with information from:</p> <ul style="list-style-type: none">  Police Executive Research Forum* ⁶⁹  International Association of Chiefs of Police ⁷⁰  NO 8 Can't Wait ⁷¹  NO Austin City Council Resolution 95 ⁷²

** Some parts of APD's current de-escalation policy align with information from the Police Executive Research Forum and the International Association of Chiefs of Police while others do not.⁷³ Particular issues include the following: (1) the tone of the policy does not adequately reinforce a commitment to de-escalation; (2) the policy does not follow a linear structure, which negatively impacts readability; (3) the policy needs to be updated to reflect current de-escalation training and model policies from THE International Association of Chiefs of Police and the Police Executive Research Forum (e.g., acknowledging that noncompliance may not be deliberate, but rather based on inability to comprehend, fear, etc).*

Since OPO made preliminary recommendations in January 2021, there have not been any updated best practices contradicting this information. Rather, in April 2021, the Police Executive Research Forum announced that it would be updating its de-escalation training program to incorporate the "Step Up and Step In" concept.⁷⁴ This concept challenges traditional policing by acknowledging and training for the reality that "[i]t's not just the culture of policing that sometimes gets in the way of good decision-making. It can also be the structure of police agencies themselves."⁷⁵

Importantly, there is a broad range of de-escalation tactics and techniques, none of which eliminate an officer's ability to use physical force when necessary. Additionally, in 2020, the International Association of Chiefs of Police partnered with the University of Cincinnati Center for Police Research and Policy to conduct a study on the impact of de-escalation training developed by the Police Executive Research Forum.⁷⁶ The study revealed that the implementation of this training led to a decrease in citizen and officer injuries.⁷⁷

De-escalation



OPO has analyzed the community’s feedback. OPO has also considered current best practices, including the consensus among experts that incorporating de-escalation tactics into police-community encounters is safe and effective. After examining all of this information, OPO recommends that APD adopt OPO’s preliminary recommendations with the following amendments:

Table 6. OPO’s Preliminary and Amended Recommendation to APD’s Policy on De-Escalation

OPO’s Preliminary Recommendation GO 200.1.2 and GO 200.2	OPO’s Amended Recommendation GO 200.1.2 and GO 200.2
<p>200.1.2 DEFINITIONS</p> <p><i>De-escalation</i> – (1) The use of a range of techniques (e.g. communication, time, distance, cover, concealment, etc.) designed to create conditions that safely stabilize a situation and reduce the immediacy of a threat so that more time, options, and resources are available to resolve the situation using the least amount of force necessary. (2) Reducing or ending the use of force once a threat has diminished.</p> <p><i>De-escalation Techniques</i> – Tactics used by officers that are designed to increase the likelihood of gaining voluntary compliance and reduce the likelihood of using force during an encounter. Tactics may include, but are not limited to, the following: maintaining safe distance, active listening, clear communication, explaining what actions need to be taken and any alternatives, explaining the consequences of taking particular actions, and securing additional resources.</p>	<p>200.1.2 DEFINITIONS</p> <p><i>De-escalation</i> – (1) The use of a range of techniques (e.g. communication, time, distance, cover, concealment, etc.) designed to create conditions that safely stabilize a situation and reduce the immediacy of a threat so that more time, options, and resources are available to resolve the situation using the least amount of force necessary. (2) Reducing or ending the use of force once a threat has diminished.</p> <p><i>De-escalation Techniques</i> – Tactics used by officers that are designed to increase the likelihood of gaining voluntary compliance and reduce the likelihood of using force during an encounter. Tactics may include, but are not limited to, the following: maintaining safe distance, active listening, clear communication, explaining what actions need to be taken and any alternatives, explaining the consequences of taking particular actions, and securing additional resources.</p> <p><u>Critical Decision-Making Model (CDM) - The CDM is a five-step critical thinking process. The five steps are built around the core values of the department and the policing profession. The CDM guides officers through a process of collecting information; assessing the situation, threats, and risks; considering police powers and agency policy; identify options and determining the best course of action; and acting, reviewing and reassessing the situation.</u></p>

De-escalation



Table 6. OPO’s Preliminary and Amended Recommendation to APD’s Policy on De-Escalation (Continued)

OPO’s Preliminary Recommendation GO 200.1.2 and GO 200.2	OPO’s Amended Recommendation GO 200.1.2 and GO 200.2
<p>200.2 DE-ESCALATION</p> <p>Officers shall safely incorporate appropriate de-escalation techniques in all circumstances, and shall approach all encounters with the goal of preventing or minimizing uses of force and, in situations where compliance is needed, gaining voluntary compliance.</p>	<p>200.2 DE-ESCALATION</p> <p>Officers shall safely incorporate appropriate de-escalation techniques in all circumstances, <u>particularly those that are part of the Critical Decision-Making Model</u>, and shall approach all encounters with the goal of preventing or minimizing uses of force and, in situations where compliance is needed, gaining voluntary compliance</p>

NOTE: New OPO recommendations are shown in **bold, underlined** text.
[Click here](#) for more information about OPO’s preliminary recommendation.

OPO’s recommendations incorporate community feedback and/or the City of Austin’s official position by:

- Acknowledging that noncompliance may not be deliberate or a threat, but instead related to the inability to hear, the inability to comprehend, fear, etc.
- Providing additional guidance on de-escalation tactics to be employed by officers
- Acknowledging the need for de-escalation tactics to be used in all encounters while still accounting for officer safety⁷⁸

OPO’s recommendations incorporate guidance from law enforcement research and policy organizations by:

- Acknowledging that noncompliance may not be deliberate or a threat, instead related to the inability to hear, the inability to comprehend, fear, etc.⁷⁹
- Providing clear guidance on de-escalation tactics to be employed by officers⁸⁰
- Clearly communicating that de-escalation is a priority while acknowledging the need for officer safety⁸¹

Duty to Intervene in Cases of Improper or Excessive Use of Force



A duty-to-intervene policy creates an affirmative obligation for police officers to stop fellow officers from engaging in certain conduct prohibited by law or department policy.⁸² Campaign Zero's 8 Can't Wait initiative recommends that police departments require officers to intervene and report unnecessary or excessive force used by other officers.⁸³ The murder of George Floyd by Minneapolis Police Department Officer Derek Chauvin brought this issue to the forefront of public discourse in 2020. It reinforced the dire need for police departments to require that officers hold each other accountable and intervene in cases of excessive force and other misconduct.

In Resolution 95, the Austin City Council said it was the official policy of the City that APD policies "...requiring officers to intervene to stop improper or excessive uses of force by their fellow officers should be appropriately enforced."⁸⁴

APD's current policy in this area lacks the specificity necessary to make it enforceable in many cases when it should apply.

[Click here](#) for OPO's Phase I analysis of this policy topic.

Analysis of community feedback on the duty to intervene in cases of improper or excessive use of force

Quantitative Data

- 47% of respondents said current policy on the duty to intervene in cases of improper or excessive use of force does not make them feel safe
- 66% of respondents said that they believed that policy should list the different ways an officer can intervene
- 80% of respondents said that any officers who witness improper or excessive use of force by any other officer and do not interfere should be required to report the full circumstances of the incident

Qualitative Data

The majority of respondents who mentioned this policy were supportive of OPO's proposed changes, with support expressed for more clarity and specificity as to how the reporting should be done. Respondents favored giving officers a way to hold those in their ranks accountable, with realistic considerations for protecting officers who do the reporting.

Feedback on this policy showed overwhelming support for officers having a duty to intervene for professional and ethical integrity reasons. Some respondents expressed concern for officers who intervene and recommended that protections be put in place to prevent their careers from being negatively impacted due to intervening or reporting excessive force.

Duty to Intervene in Cases of Improper or Excessive Use of Force



Below are selected comments from community feedback:

“

“We frequently hear the argument that police brutality is caused by a few bad apples. If good officers don’t protect us from the bad ones, who will?”

“I agree intervention should be defined. And, I believe there should be a whistleblower protection so that people calling out these issues do not become targets themselves of a culture of not reporting this. So, I think reporting requirements should be defined, intervention should be defined, and I think it should be outside the chain of command to protect those that do come forward.”

“Should follow the chain of command or ranking officer should be the final word. Any issues that come up should be reported.”

”

Recommendations from community feedback

Adopt OPO’s amended recommendations.

OPO’s preliminary review of APD’s duty-to-intervene policy highlighted five concerns:









- Under current policy, terms used are vague or undefined
- The policy does not specify the means for intervening
- The policy’s scope is too narrow
- Department hierarchical issues are not addressed
- Reporting requirements are not defined

In its Phase I report, OPO made a series of recommendations to improve APD’s policies. The table below compares APD’s current policies and OPO’s proposed recommendations with Austin City Council Resolution 95, 8 Can’t Wait, and best practices from leading police organizations.

Duty to Intervene in Cases of Improper or Excessive Use of Force



Table 7. Comparing OPO’s Proposed Recommendations and APD’s Current Policy on the Duty to Intervene

OPO's Proposed Recommendations	APD's Current Policy
<p>Aligns with information from:</p> <ul style="list-style-type: none">  YES Police Executive Research Forum⁸⁵  YES International Association of Chiefs of Police⁸⁶  YES 8 Can't Wait⁸⁷  YES Austin City Council Resolution 95⁸⁸ 	<p>Aligns with information from:</p> <ul style="list-style-type: none">  NO Police Executive Research Forum⁸⁹  NO International Association of Chiefs of Police⁹⁰  NO 8 Can't Wait⁹¹  NO Austin City Council Resolution 95^{*92}
<p><i>*APD's current policy does not align with Resolution 95 because it lacks the specificity necessary to be enforceable in many cases when it should apply.⁹³</i></p>	

Since OPO made preliminary recommendations in January 2021, there have not been any updated best practices contradicting this information.

OPO has analyzed the community’s feedback. OPO has also considered current best practices and research into the role of peer intervention in enhancing safety for community members and officers.⁹⁴ After examining this information, OPO recommends that APD adopt OPO’s preliminary recommendations with the following amendments:

Duty to Intervene in Cases of Improper or Excessive Use of Force



Table 8. OPO’s Preliminary and Amended Recommendation to APD’s Policy on the Duty to Intervene

<p>OPO’s Preliminary Recommendation GO 200.1.3</p>	<p>OPO’s Amended Recommendation GO 200.1.3</p>
<p>GO 200.1.3 DUTY TO INTERVENE</p> <p>(b) Intervening officers shall make every effort to safely intervene by verbal and physical means as the situation requires; if verbal intervention is not enough to stop the act(s), intervening officers shall make every effort to safely intervene through physical means. Examples of physical intervention methods include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Physically positioning oneself in between the officer(s) whose conduct is in question and the other involved individual(s); 2. Using physical force to remove an officer from a particular area; or 3. Using physical force to stop an officer’s physical contact with an involved individual. 	<p>GO 200.1.3 DUTY TO INTERVENE</p> <p>(b) Intervening officers shall make every effort to safely intervene by verbal and physical means as the situation requires; if verbal intervention is not enough to stop the act(s), intervening officers shall make every effort to safely intervene through physical means.</p> <p><u>Examples of verbal intervention methods include, but are not limited to, the following:</u></p> <ol style="list-style-type: none"> 1. <u>Redirecting the officer’s attention to something else;</u> 2. <u>Direct confrontation or direct orders, as applicable.</u> <p>Examples of physical intervention methods include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Physically positioning oneself in between the officer(s) whose conduct is in question and the other involved individual(s); 2. Using physical force to remove an officer from a particular area; or 3. Using physical force to stop an officer’s physical contact with an involved individual.

Duty to Intervene in Cases of Improper or Excessive Use of Force



Table 8. OPO’s Preliminary and Amended Recommendation to APD’s Policy on the Duty to Intervene (continued)

OPO’s Preliminary Recommendation GO 200.1.3	OPO’s Amended Recommendation GO 200.1.3
<p>(f) Notwithstanding General Orders 110.4.3 and 110.4.4, this policy creates an affirmative duty to intervene regardless of rank or whether the intervening officer is of higher or lower rank than the officer(s) whose conduct is in question.</p> <p>(g) Regardless of their role during a call or original purpose for being in the vicinity, it is the duty of every on-scene witness officer to intervene unless and until the conduct in question has been stopped.</p>	<p>(f) Notwithstanding General Orders 110.4.3 and 110.4.4, this policy creates an affirmative duty to intervene regardless of rank or whether the intervening officer is of higher or lower rank than the officer(s) whose conduct is in question. <u>Employees will not, in any way, cause or conspire to cause retaliatory action against an employee who intervenes or attempts to intervene.</u></p> <p>(g) Regardless of their role during a call or original purpose for being in the vicinity, it is the duty of every on-scene witness officer to intervene unless and until the conduct in question has been stopped. <u>In those situations that trigger a duty to intervene, officers shall accept, without question, the intervention of another officer.</u></p>

NOTE: New OPO recommendations are shown in **bold, underlined** text. [Click here](#) for more information about OPO’s preliminary recommendation.

Duty to Intervene in Cases of Improper or Excessive Use of Force



OPO's recommendations incorporate community feedback and/or the City of Austin's official position by:

- Implementing additional guidelines, which will support enforceability⁹⁵
- Explicitly prohibiting retaliation against intervening officers
- Describing the ways that an officer should intervene
- Providing clear reporting guidelines

OPO's recommendations incorporate guidance from law enforcement research and policy organizations by:

- Addressing hierarchical issues in police culture⁹⁶
- Causing the duty to be triggered when officers believe another officer is preparing to engage in misconduct and when they witness the officer engage in misconduct⁹⁷
- Creating a standalone policy that covers misconduct outside of the use-of-force⁹⁸
- Describing the ways that an officer should intervene⁹⁹
- Explicitly prohibiting retaliation against intervening officers¹⁰⁰
- Requiring officers to accept, without question, the intervention of another officer¹⁰¹

Ban Chokeholds and Strangleholds



Neck restraints generally fall into two categories:

- Vascular neck restraints
 - These maneuvers affect blood flow and are often referred to as "strangleholds."¹⁰²
- Respiratory neck restraints
 - These maneuvers affect air intake and are often referred to as "chokeholds."¹⁰³

Campaign Zero's 8 Can't Wait initiative recommends that police departments restrict officers from using chokeholds or strangleholds on individuals in all cases to avoid unnecessary deaths or serious injuries.¹⁰⁴

In Resolution 95, the Austin City Council said it was the official policy of the City that "the use of chokeholds and stranglehold– broadly defined to include all maneuvers that involve choking, holding the neck, or cutting off blood flow in the neck– is strictly prohibited as a policing tactic."¹⁰⁵

APD policy does not explicitly ban these techniques; rather, it limits the use of chokeholds and strangleholds to situations in which deadly force would be authorized.¹⁰⁶

[Click here](#) for OPO's Phase I analysis of this policy topic.

Analysis of community feedback on banning chokeholds and stranglehold

Quantitative Data

- 51% of respondents said that the current policy on banning chokeholds and strangleholds does not make them feel safe
- 53% of respondents agreed that chokeholds and strangleholds should be banned outright

Qualitative Data

Many responses in support of the use of chokeholds were based on the assumption that they are part of APD training when, in fact, they are not.

Those who responded that change in this policy is needed reasoned that chokeholds and strangleholds:

- Involve too much risk for becoming unintentionally lethal
- Instill fear in the community
- Should not be used and officers should be given more training on alternative maneuvers

Respondents also said that the current policy is too vague, that other cities have already banned chokeholds, and that it is often used as a disproportionate response.

Ban Chokeholds and Strangleholds



Those who responded that no change is needed reasoned that the procedure is safe when performed correctly, and should be permissible when deadly force is needed. Those not in support of OPO's proposed policy changes said that chokeholds are not a common practice, that banning them would be detrimental to officer safety, and that they are a necessary component of officer self-defense.

Below are selected comments from community feedback:

“

“Sounds like current policy could have been used to justify either Eric Garner or George Floyd's murder. The nuance of “to protect human life” would have to become a huge part of APD culture for a policy based on that to work. Because the person being strangled is a human life, too”

“These should be explicitly defined, explicitly banned. I don't think we should be improvising techniques to kill people on the spot and people should be trained how to adequately de-escalate and try to avoid as much as possible killing people no matter what they've done. I'm not living in a utopia and know that is not always possible, but we should be able to define, ban, and be able to provide disciplinary actions for officers that do not adhere to that.”

“All APD needs is a lot more officers. Then, you would finally be able to rotate them out for more training. Ex: choke holds are highly affective. The problem is officers do not have enough time to train on proper techniques. 1/3 of each officer's time should be spent on training, under current policies, each year.”

”

Recommendations from community feedback

Adopt OPO's preliminary recommendations.

OPO's preliminary review of APD's policy on chokeholds and strangleholds highlighted four concerns:

- Chokeholds and strangleholds are not categorically banned
- Under current policy, the terms used are not defined
- The policy's scope is too narrow
- Directives are inconsistent

Ban Chokeholds and Strangleholds



In its Phase I report, OPO made a series of recommendations to improve APD’s policies. The table below compares APD’s current policies and OPO’s proposed recommendations with Austin City Council Resolution 95, 8 Can’t Wait, and best practices from leading police organizations.

Table 9. Comparing OPO’s Proposed Recommendations and APD’s Current Policy on Banning Chokeholds and Strangleholds

OPO's Proposed Recommendations	APD's Current Policy
Aligns with information from:	Aligns with information from:
 YES Police Executive Research Forum ¹⁰⁷	 NO Police Executive Research Forum ¹¹¹
 YES International Association of Chiefs of Police* ¹⁰⁸	 NO International Association of Chiefs of Police* ¹¹²
 YES 8 Can’t Wait ¹⁰⁹	 NO 8 Can’t Wait ¹¹³
 YES Austin City Council Resolution 95 ¹¹⁰	 NO Austin City Council Resolution 95 ¹¹⁴

** In 2020, the International Association of Chiefs of Police recommended that chokeholds and vascular neck restraints only be allowed in deadly force situations and stated that “[t]raining should also be provided on all approved force options and techniques permitted by agency policy, along with a regular refresher training that includes a review of the policy and hands-on, practical training.”¹¹⁵ APD does not provide training on the use of chokeholds and strangleholds. As a result, APD policies permitting the use of techniques for which officers are not trained does not align with the recommendation from the International Association of Chiefs of Police.*

Ban Chokeholds and Strangleholds



Since OPO made preliminary recommendations in January 2021, there have not been any updated best practices contradicting this information. Rather, as recently as September 2021, the U.S. Department of Justice directed all federal law enforcement agencies to update their policies to restrict the use of chokeholds and strangleholds, explaining that these techniques are “inherently dangerous” and have “too often led to tragedy.”¹¹⁶ Indeed, across the board, experts agree that both chokeholds and strangleholds are inherently dangerous.¹¹⁷ Experts that recommend allowing chokeholds and strangleholds in deadly force situations also discuss the need for frequent training on any use-of-force tactics permitted by policy.¹¹⁸

OPO has analyzed the community’s feedback. OPO has also reviewed current best practices, including the consensus among experts that chokeholds and strangleholds are inherently dangerous.¹¹⁹ Finally, OPO has considered the fact that APD does not provide officers with training on chokeholds and strangleholds.¹²⁰ After examining all of this information, OPO recommends that APD adopt OPO’s preliminary recommendations.

OPO’s recommendations incorporate community feedback and/or the City of Austin’s official position by:

- Categorically banning the use of chokeholds and strangleholds as a policing tactic¹²¹
- Categorically banning the use of any action that could, or is intended to, prevent, reduce, hinder or otherwise negatively impact an individual’s blood flow to the brain or intake of air¹²²
- Implementing additional guidelines to improve clarity and accountability

OPO’s recommendations incorporate guidance from law enforcement research and policy organizations by:

- Defining maneuvers and terminology referenced in policy¹²³
- Banning both chokeholds and strangleholds¹²⁴

Warn Before Shooting



Warning before shooting is a tactic that can help to slow down tense interactions and provide community members with another opportunity to comply before officers use deadly force.¹²⁵

Campaign Zero's 8 Can't Wait initiative recommends that police departments "[r]equire officers to give a verbal warning in all situations before using deadly force."¹²⁶

In Resolution 95, Council directed that "[u]se of force shall incorporate de-escalation tactics in all Circumstances." Warning before shooting is considered a de-escalation tactic.¹²⁷

APD's current policy on this topic is unclear and lacks specificity. Additionally, as it relates to warnings, APD's current policies on less-lethal force are more detailed than its policies on lethal force.¹²⁸

[Click here](#) for OPO's Phase I analysis of this policy topic.

Analysis of community feedback on warn before shooting

Quantitative data

- 49% of individuals responded that APD's current policy on warning before shooting makes them feel safe, while 47% stated they do not feel safe
- 55% of respondents believe that policy must specify how an officer should warn before shooting

Qualitative Data

Overall, respondents expressed diverging concerns about this policy area. Many responded that disabilities and language barriers should be considered, while others believed that some people who interact with the police don't merit a warning if a potential crime has been committed.

Those who support changing APD's policies reasoned that the current policy doesn't account for situations where a person may not hear or understand an officer's warning, including those who don't understand English and people living with a mental health condition. Community members responded that the potential for officers to kill someone by discharging their firearm is great, and there should be more clearly defined steps taken to ensure that a person understands that they are facing this risk.

Those who responded that a change wasn't needed reasoned that there may not be enough time for an officer to provide a warning in every situation and that it may put them in danger. Further, community members not in support of OPO's proposed changes repeated concerns that warning before shooting could place an officer at a tactical disadvantage.

Warn Before Shooting



Below are selected comments from community feedback:

“

“Much more warning must be given before using force. My daughter for example has a diagnosed listening comprehension disorder related to her ASD which has a documented effect on her ability to accurately follow directions in a timely manner. She doesn't look disabled but I am not confident that given certain scenarios people like her (especially men and people of color) would be safe from getting shot at by the police.”

“I think that a warning should be mandatory and I think we should think broadly about people with different abilities as to how we give a warning so a verbal warning won't work for everybody. I think how a warning is given should have a standard of consistency across officers training, consistent with comprehensive training around different abilities so that there is a range of ways you warn people before you end their life.”

”

Recommendations from community feedback

Adopt OPO's preliminary recommendations.

OPO's preliminary review of APD's policy on warning before shooting highlighted three concerns:

- Without further detail in policy, feasibility language is ambiguous
- The policy is more robust for less-lethal force warnings
- The policy does not specify how a warning should be given


In its Phase I report, OPO made a series of recommendations to improve APD's policies. The table below compares APD's current policies and OPO's proposed recommendations with Austin City Council Resolution 95, 8 Can't Wait, and best practices from leading police organizations.

Warn Before Shooting



In its Phase I report, OPO made a series of recommendations to improve APD’s policies. The table below compares APD’s current policies and OPO’s proposed recommendations with Austin City Council Resolution 95, 8 Can’t Wait, and best practices from leading police organizations.

Table 10. Comparing OPO’s Proposed Recommendations and APD’s Current Policy on Warn Before Shooting

OPO's Proposed Recommendations	APD's Current Policy
<p>Aligns with information from:</p> <ul style="list-style-type: none">  Police Executive Research Forum* ¹²⁹  YES International Association of Chiefs of Police ¹³⁰  YES 8 Can’t Wait ¹³¹  YES Austin City Council Resolution 95 ¹³² 	<p>Aligns with information from:</p> <ul style="list-style-type: none">  Police Executive Research Forum* ¹³³  NO International Association of Chiefs of Police ¹³⁴  NO 8 Can’t Wait ¹³⁵  NO Austin City Council Resolution 95 ¹³⁶

**The Police Executive Research Forum has not publicly taken a clear position on this topic, but the concept of warning before shooting appears to align with broader de-escalation recommendations from the Police Executive Research Forum; providing warnings is considered a key de-escalation tactic. ¹³⁷*

Warn Before Shooting



Since OPO made preliminary recommendations in January 2021, there have not been any updated best practices contradicting this information.

OPO has analyzed the community's feedback. OPO has also considered current best practices. After examining this information, OPO recommends that APD adopt OPO's preliminary recommendations.

OPO's recommendations incorporate community feedback and/or the City of Austin's official position by:

- Requiring that officers provide a warning before shooting except in limited circumstances
- Permitting officers to shoot without first issuing a warning when the use of deadly force is immediately necessary to prevent imminent death or serious bodily injury to officers or bystanders on scene and giving a warning will create additional risk.
- Requiring officers to include specific information in a warning

OPO's recommendations incorporate guidance from law enforcement research and policy organizations by:

- Requiring that officers provide a warning before shooting except in limited circumstances ¹³⁸
- Permitting officers to shoot without first issuing a warning when providing a warning would negatively impact officer or community safety ¹³⁹
- Requiring officers to include specific information in a warning ¹⁴⁰

Overarching Themes

Overarching themes reflect the sentiments expressed by community members through answers to open-ended survey questions. These insights are not necessarily specific to use-of-force policies, but rather reflect community feedback on APD's policies overall.

OPO analyzed more than 1,400 survey responses, including 2,200 qualitative responses, to develop these overarching themes. Overarching themes are based only on the open-ended qualitative responses collected via the *SpeakUp, Austin!* survey and virtual community meetings. OPO utilized a human-centered, iterative process to review the answers from community members and identify patterns.

This section will feature a statement that summarizes community sentiment, as well as direct quotations from community members for context. The quotations are unedited and represent the nuance in the community's concerns about APD policies.

- **Recommendation:** APD policy should include more defined terms and procedures to ensure officers are better informed of department expectations and prepared for their work in the field. Policy informs training, so policies that include defined terms and procedures can help ensure that officers are well prepared for the field. This can help improve officer and community safety.
 - **Insight:** Among participants, there was a general desire for more clearly defined procedures, as well as better training and guidelines to help officers be more prepared for situations in the field. Putting specifics about officer expectations into policy ensures that officers will be trained on them, which means they will be more prepared to meet APD's expectations (their employer) and the community they are serving once they are in the field.

“

“Not at all. There is a lack of specifications for officers in each section. Leaves room for officers to hurt/kill people and not be held accountable. And of course officers should exhaust all alternatives before using lethal force. In my opinion, they shouldn't have guns.”

“The policies should be defined more clearly. Clearer directives and more nuanced training will force performance improvements. More accountability when the guidelines and standards are less ambiguous.”

“No. Not having specifics outlined for use of deadly force or policies in place to intervene or report use of excessive force must change.”

”

Overarching Themes

- **Recommendation:** Policies should be built on a foundation of accountability, which is achieved by providing clearer guidelines. This foundation may also help combat issues of disproportionate or disparate treatment. Officers who violate policy should be consistently held accountable, and disposition and discipline decisions should be equitable. Additionally, deterrence and accountability measures should incentivize equitable treatment of community members and disincentivize inequitable treatment. Taken together, these measures can help increase predictability in community-officer interactions, which can help improve trust within the community.
 - **Insight:** Some community members supported current policies because they believe that the policies protect law-abiding citizens and “good” officers. Further, they said that negative consequences only affect criminals or “bad” officers.

“

“They do not make me feel safe because the terms and boundaries are not clearly defined. Giving concrete examples to officers, requiring reporting, and requiring the use of de-escalation techniques before deadly force are things that seem like common sense but aren't happening. A police officer's duty is to serve & protect. These guidelines and accountability measures will help officers serve and protect ALL community members, not just those that do not appear threatening (real or perceived) to them. Community safety means REDUCING harm, not perpetuating it. I think police officers play an integral role in our community, but they must be held accountable and trained on life-affirming and life-supporting techniques. Death and harm should NEVER be the default, and it is in communities of color and for Black people in the US. We need change & accountability.”

“The policies do not, and the reality of APD's use of force also does not align. The community includes people who are disabled, Black, brown, deaf, or just agitated. The role of a police department should be to serve and protect *everyone,* not resort to gunfire.”

”

Overarching Themes

“

“Not at all. They are too loosely defined and thus up for complete interpretation based on the officer. This is extremely dangerous for communities of color as the lack of specific rules and boundaries protects the officer rather than those who are affected by police brutality in the case of trials and other legal action pursued by civilians. APD must be utilizing mental health professionals to receive training and even to learn when to step out of a situation that they should absolutely not be present for. It is extremely scary that officers are allowed to use force without explanation in Austin.”

“Yes. I have had many interactions with police. The APD is ahead of the game in policing. I believe our citizen’s mindset needs to change. A lot of the recommendations I read are unrealistic and can’t be blanket instructions. If you ban chokeholds and the cop is in a deadly encounter, all available options should be available. If citizens want to not have a violent encounter during an arrest or interaction, then it is up to us to allow ourselves to understand the process and not be confrontational. De-escalation is a two way street. If only one side is attempting to use it, it has little chance of being successful. Also, since when does “un-armed” mean “not dangerous”?”

“Most force used by police is in response to force used by citizens against police”

”

- **Recommendation:** Efforts to build community trust in police may be undermined by lethal force tactics. To begin to build community trust, APD should focus on reducing its use of lethal force tactics and eliminating unnecessary instances of lethal force.
 - **Insight:** Some respondents reported that deadly force tactics instill fear in the community because they can cause serious harm or death in ways that are considered unnecessary or unreasonable.

Overarching Themes

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“No. It is not safe for some people (APD) to be able to commit violence against the rest of us with no accountability or consequences. I am a disabled person and part of my disability is hearing loss. I also get very frightened when I perceive someone as being angry or hostile which causes me to freeze up. I am terrified of being hurt or killed by police because of not being able to hear/understand or comply quickly enough, even if I pose no real threat. I'm a gentle person and would not do anyone any harm. APD has proven, particularly over the past year, that they have many officers who are willing to hurt, maim, and even kill people who pose no immediate threat to the safety of others in the eyes of a reasonable person. Furthermore many APD officers proved that they were not willing or able to use "less lethal" weapons as designed- two examples are beanbag rounds being fired at too close of a range and rubber bullets being aimed directly at people instead of at the ground over a distance, but I suspect there are others. The fact that chokeholds and strangleholds aren't categorically banned for APD is ABSOLUTELY HORRIFYING. APD training should focus more on de-escalation and non-violent means of handling the situations the officers encounter in their work.”

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“Although I am a law-abiding citizen, I don't feel safe with APD. When there are police officers present, I fear they will try to find a reason to get me in trouble, even though I don't break laws or cause trouble. This is exacerbated by the fact that I am visibly transgender and a mixed race Mexican Indigenous person; I feel that when a police officer identifies me as LGBTQ+ and nonwhite, they expect that I am a criminal. I have witnessed APD officers harm peaceful protestors and homeless people who committed no crime. I fear that without serious efforts to reform the department and retrain officers, there will be no solution. I would feel safer if officers were not permitted to carry lethal weapons to calls where the suspect is not carrying lethal weapons. I feel the current culture of policing makes officers feel that all civilians are potentially dangerous to them, and that instead of helping them do their jobs, this causes officers to react in a traumatized flight-or-fight manner that harms civilians and officers alike. To bring about safe policing, that culture would need to change, so that officers feel they are a part of their community and they can trust civilians.”

”

Overarching Themes

- **Recommendation:** APD policy should be revised to categorically prohibit the use of maneuvers that could negatively impact air intake or blood flow.
 - **Insight:** Many respondents reported that they felt unsafe with APD’s current policy on chokeholds. Many respondents shared concerns that current policy does not align with community values because maneuvers like chokeholds and strangleholds are too likely to cause injury or death even if that is not the intended consequence. Some community members also referenced the murder of George Floyd in discussing their concerns with these maneuvers.

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“How many times do we need to hear the words “I can’t breathe” before things change.”

“Police should not only be barred from using deadly force including chokeholds and strangleholds but also should be extremely limited in how they can even touch people accused or suspected of a crime. Police are frequently shown throwing people - even children - to the ground, punching, kicking, maiming and shoving civilians who are involved in petty crimes like theft or traffic violations. How is this legal? How do police have so much unchecked power?”

“These should be explicitly defined, explicitly banned. I don’t think we should be improvising techniques to kill people on the spot and people should be trained how to adequately de-escalate and try to avoid as much as possible killing people no matter what they’ve done. I’m not living in a utopia and know that is not always possible, but we should be able to define, ban, and be able to provide disciplinary actions for officers that do not adhere to that.”

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Overarching Themes

- **Recommendation:** APD policy should be revised to prioritize community and officer safety by prohibiting force tactics that are ineffective or on which officers are not trained. Failure to do so may lead to an increased risk of uncontrollable consequences.
 - **Insight:** Community members expressed concern that policies allowing officers to utilize tactics on which they are not trained create an unacceptable safety risk to community members and officers beyond the inherent risk presented, leading to the potential for uncontrollable consequences.

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“Trainings should be provided consistently. From Judo or other techniques. No chokeholds.”

“No. They do not align with my idea of community safety. After reading this survey, I thought it was laughable that any of the untrained police officers were allowed to shoot at moving objects or while moving. They are not marksmen and are completely unqualified to handle deadly force in those situations. They only make certain people feel safe. They clearly need new training and rules.”

“No. Without definitions and examples for officers to use, they are left to their own devices. This will lead to unequal treatment of members of the public and dangerous or deadly interactions. Too often, police are asked to intervene during mental health crises for which they are not trained. Interactions with untrained officers will lead to unequal treatment and dangerous or deadly outcomes.”

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- **Recommendation:** Changes to APD policy should be based on best practices, including evidence-based practices, that prioritize community and officer safety.
 - **Insight:** Community members who feel safe with current APD policy perceive changes that de-center officer discretion as a danger to public safety.

Overarching Themes

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“I strongly believe that a level of officer's discretion in life or death situations should exist but along with that discretion a great level of responsibility should be there also. An example, if an officer is involved in a any use of force incident and no body cam is provided by a department issued cam, a strict policy of grounds for termination should exist. As a former state certified EMT, if I failed to adhere to established procedure, I could lose my certification and as a stipulation of employment, I would lose my job.”

“Current policies prioritize de-escalation and require extensive reporting of all uses of force. Policies that ignore the fact that officers often have to improvise and make split second decisions in rapidly evolving situations are dangerous.”

“Yes. Officers are sometimes faced with violent encounters which necessitate use of force. I do not believe that policy changes restricting their ability to utilize use of force where appropriate would enhance the safety of the community. I feel it would have the opposite effect. Officers will no longer be proactive in their work to deter crime if too many policy changes are made; the fear of losing their job would outweigh their desire to help. It's not feasible for example to always require de-escalation or warnings prior to firing a weapon. Things can go bad on calls very quickly and I wouldn't support punishing an officer for having to use deadly force and not being able to use a warning first. These proposed policies just couldn't be applied to 100% of calls so I can't support it.”

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- **Recommendation:** Policies and training should be examined and revised to ensure that all community-police interactions reflect a service-minded and situationally-aware approach.
 - **Insight:** Any situation can potentially involve people living with disabilities, mental health conditions, or invisible illnesses. A service-minded and situationally-aware approach best achieves positive resolutions in such situations.

Overarching Themes

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“APD’s currently policies do not align with my idea of community safety. They leave officers under trained in de-escalation, mental health and alternatives to force tactics. Officers who are not trained in de-escalation techniques are at risk of escalating circumstances to the point of using deadly force on the citizens their apprehending. This puts the officers at risk as well as the citizens they are meant to be protecting.”

“I believe that most community safety needs do not require an armed officer to respond. For example, someone experiencing a mental health episode needs a trained mental health responder. Someone driving recklessly does not need to be pulled over by someone with a gun, but could be pulled over by an unarmed traffic safety officer. People suffering domestic violence need a safe place to go and a trained counselor, and perpetrators also need a trained counselor. I hope APD disarms officers responding to most situations.”

“No. Deescalation should be the first priority. There also should be training for mental health interventions. Deadly force should be a last resort.”

“Training on de escalation of incidents is so important. Perhaps including mental health professionals in DV incidents or with the mentally ill or disabled would change betokened the potential for unnecessary violence.”

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General Impressions from Community Feedback

General impressions from community feedback are topics that OPO saw repeatedly across data but are not necessarily related to policy. Many of these sentiments reflect community concerns about policing and reform more broadly. Unlike the previous two sections, this section does not include recommendations.

OPO analyzed more than 2,200 qualitative responses to develop these general impressions from community feedback. General impressions from community feedback are based only on community members' responses to the open-ended questions collected via the *SpeakUp, Austin!* survey and virtual community meetings. OPO compiled these findings through a group synthesis process that categorized responses by content, sentiment, and theme.

This section will feature a statement that summarizes the patterns in the feedback, as well as direct quotes from community members for context. The quotations are unedited and were selected to represent the nuance in the community's concerns about public safety.

Expertise and training

In general, community members who expressed support for APD's current policies also expressed a belief in the expertise of police officers and faith in their training. Many comments expressing support for existing policies revealed misunderstandings or incorrect assumptions about current APD training and policies. For example, some community members assumed that APD officers are trained to perform chokeholds or strangleholds. This is inaccurate.¹⁴¹

Below are examples of community responses:

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“They don't include nearly enough accountability for officers as would be reasonable, in my opinion. I would like to see mandatory trials of any officers that are involved in a incident that escalates to lethal force. The fact that for much of the policies surrounding lethal force there aren't given examples of deescalation or the warnings that should be given is unacceptable. It should be noted however that some of the policies mentioned in this form are sometimes needed. It doesn't make sense to outright ban firing from their own moving vehicle, because there is the possibility of extreme situations that require that. To note chokeholds shouldn't be a problem in police use, any Jujitsu student of six months would never have somebody die in a chokehold.”

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General Impressions from Community Feedback

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“All APD needs is a lot more officers. Then you would finally be able to rotate them out for more training. Ex: choke holds are highly affective. The problem is officers do not have enough time to train on proper techniques. 1/3 of each officers time should be spend on training, under current policies, each year.”

“I think it shouldn't be mandatory to offer a warning, but I think, once again, it's a split second decision an officer has to make and sometimes a half a second is not long enough to issue a warning. Once again, I think it's best judgment through extensive training because if they are not passing the academy and passing everything else then why are they an officer to begin with, but, yes, I think, in best practice a warning should be given but it is not always feasible.”

“Yes. We had the best police force in the United States. Our officers got all sorts of training in dealing with dogs, de-esculation, mental health issues that if the Austin City Council bothered to find out, like Ora Houston did when she was a council person, they would know that.”

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General Impressions from Community Feedback

Rigidity versus flexibility

Many respondents, particularly those who expressed support for APD's current policies, stated that it is impossible for an officer to follow rigid policies to the letter in the heat of the moment when situations are dynamic in the field.

Below are examples of community responses:



“All situations are different and rapidly evolving. An exact layout of what an officer should say or do in a deadly force encounter prior to being able to use deadly force is just not safe and or feasible. Also Officers are already currently not allowed to use chokeholds.”

“Yes because having a hard line does not work in reality. People should try and do most of these things if the situation allows for it but if the safety of the public and the officer does not allow for it forcing officers to go through a litany of tasks before force can be used is dangerous in and of itself.”

“Yes. If someone is actively shooting at someone an Officer without warning or trying lesser means should be able to use their firearm if allowed by law to defend their life or the life of another. Requiring a warning and the Officer to try and use lesser means to stop the incident will get more people killed. There should not be an outright ban on shooting at moving vehicles. If someone is trapped and can not escape while someone is intentionally attempting to run someone else over the Officer should be able to use lethal means to include a firearm to preserve the life of the victim.”



General Impressions from Community Feedback

Who is qualified to make recommendations

Among those who supported APD's current policies, there was a repeating sentiment that people without law enforcement experience are not qualified to make policy recommendations that affect police officers. Similarly, some individuals who supported APD's current policies asserted that the City of Austin, including OPO, has already negatively impacted APD policies. In contrast, among those who did not support APD's current policies, there was a repeating sentiment that community members should be involved and have a say in developing police policies and practices.

Below are examples of community responses:

“APD's current policies on use of force (not including OPO's recommendations), do not align with my ideas of community safety because standard police officers should not carry guns. When people get stopped for traffic violations or for questioning and the officer stopping them has a gun, the interaction produces fear, dread, and vulnerability in residents. Guns prevent trust from building between people with guns and people without guns, and where there are more guns, there are more gun deaths. There would be less gun violence in communities if standard police stopped carrying guns. Police officers should not put people into choke-holds.

Police officers should come from the communities they oversee. Community input and engagement is necessary as communities set standards for public safety. These are my ideas of community safety, and APD's current policies on use of force do not align with them.”

“Yes. Cops have a to make split second decisions and do not need to be racking their brain on what policy “specifically” says they can do. It is impossible to predict every single situation that may arise and we would be holding them to impossible terms. No one could do that job with restrictions like that. Furthermore, it's laughable that a person with zero experience as an officer or someone show has never had to make decisions like this is allowed to critique, much less provide recommendations to officers.”

General Impressions from Community Feedback

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“Yes. I think all of the policy in place right now is fine. In the job of policing it’s not black and white. There are situations that may arise where you might not have the ability to think it straight through. You may only have .01 seconds to react and we have to depend on our training. The training APD receives is by far way better than other departments and I have seen this first hand. You could walk up to a vehicle and someone points a gun at you. You have to react accordingly and your not going to have time to say hey stop drop the gun. There is a lot of gray policing and I don’t think anyone should be making policy recommendations when you have been in the shoes of a officer or have seen what it’s like being a police officer first hand.”

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General Impressions from Community Feedback

Trust and safety

There is a positive correlation between people who feel safe with current policies and people who trust the police. High levels of trust lead to people feeling safe. People who supported no policy changes generally expressed faith in APD officers, believed that APD has the best training available, and deferred to officers' judgment and discretion. People who supported policy changes expressed distrust in the predictability of police actions and a lack of faith in APD's training. Those who responded with a lack of trust often requested more definitions and specifics in policy to help clarify what actions are acceptable.

Below are examples of community responses:

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“Austin has been one of the safest cities in the country thanks to the work and policy of the APD.”

“Absolutely not. Especially with Austin Police Association's post that said “can you imagine the reduction in officer involved shootings if people would comply and complain later?” I do not trust these human beings to keep ANYONE safe. It is clear that most of them prefer violence over protecting, and truly do not understand what it means to serve the public. I would like to see APD removed from all non-violent areas of crime, and I would like to see their use of force policies heavily amended. We shouldn't have police responding to any nonviolent offense. And APD should do everything in their power to deescalate any violent scenarios.”

“They do not. My idea of community safety would be to use force as an absolute last resort if at all used. It was extremely disturbing watching them use rubber bullets and tear gas last summer to get community members hospitalized. There needs to be major change in APD. Someone tried to break into my apartment a few week ago and I did not call the police because I just don't believe they would do anything.”

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General Impressions from Community Feedback

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“The Austin Police Department and its officers are top notch. APD reports/documents everything. Our officers should be held up on a pedestal for an example to the rest of the country. Most of these recommendations are things APD already does. Warnings before deadly force? This is a joke. Strangle holds should be banned except when deadly force would be authorized. Stop making our officers out to be your enemy.”

“Yes, I trust our police department. They work this job everyday and know how to be safe. We have the safest department in the country. Stop trying to ruin that. Give a warning when using deadly force? You think in a split second you’re gonna have the mental ability to give a warning? Wow”

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General Impressions from Community Feedback

Safety and minority communities

People who reported being members of a minority community (e.g., those who identify as BIPOC (Black, Indigenous and People of Color), LGBTQ+, or people living with disabilities) or knowing people who are part of those communities also generally reported feeling unsafe with APD's current policies.

Below are examples of community responses:

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“No. It is not safe for some people (APD) to be able to commit violence against the rest of us with no accountability or consequences. I am a disabled person and part of my disability is hearing loss. I also get very frightened when I perceive someone as being angry or hostile which causes me to freeze up. I am terrified of being hurt or killed by police because of not being able to hear/understand or comply quickly enough, even if I pose no real threat. I'm a gentle person and would not do anyone any harm. APD has proven, particularly over the past year, that they have many officers who are willing to hurt, maim, and even kill people who pose no immediate threat to the safety of others in the eyes of a reasonable person. Furthermore many APD officers proved that they were not willing or able to use "less lethal" weapons as designed- two examples are beanbag rounds being fired at too close of a range and rubber bullets being aimed directly at people instead of at the ground over a distance, but I suspect there are others. The fact that chokeholds and strangleholds aren't categorically banned for APD is ABSOLUTELY HORRIFYING. APD training should focus more on de-escalation and non-violent means of handling the situations the officers encounter in their work.”

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General Impressions from Community Feedback

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“They do not align with my ideas of community safety. Police officers should be trained to avoid force at all costs, and trained to automatically de-escalate situations. I don't believe officers should be shooting at any moving or non-moving vehicles - they could end up crashing into other cars or people after being shot. The people being shot at would also be much more at risk of being killed. For Policy #5, I would like for APD to make it VERY clear that warnings MUST be given, and also how to make sure people actually hear and understand the warnings. I'm deaf, and I know I probably wouldn't hear police officers shouting commands behind me if I am not looking at them. Additionally, so many people walk around listening to music through headphones these days. Police officers can't just assume that people heard them and are ignoring them. They MUST get people's attention in a safe manner - don't touch or yell unexpectedly. Above all, police shouldn't automatically assume every person has committed a crime and treat them as such. It seems like a lot of police training has a "police" vs. "perp" mentality that isn't good.”

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“Although I am a law-abiding citizen, I don't feel safe with APD. When there are police officers present, I fear they will try to find a reason to get me in trouble, even though I don't break laws or cause trouble. This is exacerbated by the fact that I am visibly transgender and a mixed race Mexican Indigenous person; I feel that when a police officer identifies me as LGBTQ+ and nonwhite, they expect that I am a criminal. I have witnessed APD officers harm peaceful protestors and homeless people who committed no crime. I fear that without serious efforts to reform the department and retrain officers, there will be no solution. I would feel safer if officers were not permitted to carry lethal weapons to calls where the suspect is not carrying lethal weapons. I feel the current culture of policing makes officers feel that all civilians are potentially dangerous to them, and that instead of helping them do their jobs, this causes officers to react in a traumatized flight-or-fight manner that harms civilians and officers alike. To bring about safe policing, that culture would need to change, so that officers feel they are a part of their community and they can trust civilians.”

”

General Impressions from Community Feedback

Police and community dynamics

Among those who do not feel safe with APD's current policies, there was also a sentiment that broader change is necessary for police culture, training, and community policing practices. These respondents viewed the current climate of policing in Austin as an oppositional power imbalance and expressed support for an approach in which police officers view themselves as members of the community they are policing and perform their role in line with community values. Tactics that have the potential for extreme violence and unintended lethal force, such as chokeholds, were characterized as not conforming to community standards and values and reinforcing the separation of the police from the community.

Below are examples of community responses:

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“Sounds like current policy could have been used to justify either Eric Garner or George Floyd's murder. The nuance of “to protect human life” would have to become a huge part of APD culture for a policy based on that to work. Because the person being strangled is a human life, too”

“We need so much more than this. We need to stop sending armed, militarized units to deal with petty crimes and misdemeanors, not to mention mental health crises. We need to end police raids that unnecessarily endanger civilians over alleged drug offenses. We need radically different police recruitment and training processes that reimagine APD as an institution whose goal is to protect Austinites - not intimidate and incarcerate them. We need much stronger accountability measures - for instance, a cop turning off their body camera before murdering someone should be considered admitting guilt to premeditated murder. Why should a cop bring a gun to a traffic stop? Any chance of the cop being injured in that interaction becomes much higher when the targeted person is looking down the barrel of a gun. A gun doesn't protect, it kills. Rank-and-file cops should not be going to work every day ready to kill civilians. They should be disarmed completely.”

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General Impressions from Community Feedback

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“Not only do these policies need to change, but there also needs to be a complete overhaul in of police training that focus on peaceful de-escalation techniques. Moreover, officers need to be held accountable for their actions rather than being protected behind the thin blue line.”

“Officers who respond with violence and fear do not deserve to serve our city. The people in this city deserve safety - APD has proven to be incapable of providing this to the people. Trained social workers and professionals with knowledge on deescalation is what the city needs. 18 weeks of police training where crisis intervention is only one of over 30 areas of training is not significant enough. Police officers in training need more significant and consistent mental health screenings throughout their careers.”

”

General Impressions from Community Feedback

Safety during police interactions

Both those who supported current APD policies and those who supported policy change cited concern for the safety of the public and police officers during an encounter. Those who supported current APD policies generally emphasized officer safety, whereas those who supported policy change talked about the safety of all involved, including those suspected of criminal activity.

Below are examples of community responses:

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“Use of force should be considered as last resort. I understand how quickly a situation can escalate but the first priority should be maintaining the safety of the suspect and the officer, even if the suspect is able to leave the scene. How does use of a taser fit into this discussion?”

“The policies do not, and the reality of APD’s use of force also does not align. The community includes people who are disabled, Black, brown, deaf, or just agitated. The role of a police department should be to serve and protect *everyone,* not resort to gunfire.”

“No, anyone who is supposed to be helping keep a community safe, should be using violence as the last resort only. People who are breaking the law are also part of the community, and they should be de-escalated, more violence does not decrease violence. A safe community is one that is supported, not injured, murdered, or brutalized. Use of force should be very specific, and highly trained. Mental health training and de-escalation should be priority- for the safety of officers as well as to the safety of others.”

”

General Impressions from Community Feedback

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“Yes. Officers are sometimes faced with violent encounters which necessitate use of force. I do not believe that policy changes restricting their ability to utilize use of force where appropriate would enhance the safety of the community. I feel it would have the opposite effect. Officers will no longer be proactive in their work to deter crime if too many policy changes are made; the fear of losing their job would outweigh their desire to help. It’s not feasible for example to always require de-escalation or warnings prior to firing a weapon. Things can go bad on calls very quickly and I wouldn’t support punishing an officer for having to use deadly force and not being able to use a warning first. These proposed policies just couldn’t be applied to 100% of calls so I can’t support it.”

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“Officers must make very fast life-and-death decisions. In most situations, where an officer’s life is at risk, giving warnings it’s going to get them killed. You also cannot “Deescalate” when somebody has already determined to harm you.”

“No. These policies are vague and give the police far too broad of discretion when using lethal force. The police discretion should be minimized. It does not make me, nor others in my household, feel safe when the police can use force willy-nilly. Community safety isn’t just about the police keeping us safe from others but about the police themselves being inherently safe to encounter.”

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Conclusions and Next Steps

In Resolution 95, Council directed that "[a]ll changes to the General Orders made pursuant to [Resolution 95] must be reported back to the Council and relevant Council committees for feedback before they are implemented."¹⁴²

As a result, the next steps in this process will be for APD, in consultation with the City Manager's Office, to review OPO's final recommendations before incorporating them into the General Orders. APD will subsequently bring the proposed modified General Orders to Council for feedback per Resolution 95.

Appendix A: Methodology

OPO analyzed more than 1,400 survey responses, including 2,200 qualitative responses, to distill and summarize the community's feedback on APD use-of-force policies. Qualitative data consisted of answers to two open-ended questions in the survey and comments recorded during four virtual community events. Quantitative data consisted of sixteen closed-ended questions collected in the survey.

Respondents to the survey self-selected. Additionally, to make the survey more accessible to Austin residents, demographics were not tracked. As a result, it is not possible to determine statistical significance in this analysis.

To understand the large volume of data in the community feedback on OPO's proposed policy recommendations, the OPO team held multi-day synthesis workshops to organize the data and discuss insights. During the synthesis process, OPO and supporting staff selected and arranged quotes according to content and sentiment. Team members then reviewed repeated themes and patterns throughout the community feedback and identified quotes supporting the themes.

Data Collection

Research Goals

In Resolutions 95 and 96, City Council instructed that OPO conduct this rewrite through an open process, seeking feedback and input from the community.¹⁴³ In Phase II, OPO's overarching goal was to facilitate community engagement opportunities to create space for authentic, inclusive conversations and feedback on APD's current use-of-force policies and OPO's proposed changes. To this end, OPO hosted a series of four community engagement events and developed a digital survey to collect community feedback.

Digital Survey

To develop questions for the digital survey, OPO's Communications Division first consulted with a user research designer. Then, the Communications Division worked with OPO's Policy & Research Division to narrow down goals for the questions. Next, the questions were reviewed again by a user research designer and a content strategist. During this stage of review, questions were revised to ensure that they were worded as clearly as possible while providing necessary information and context. After finalizing the questions, the survey was translated into English and Spanish and published on the City of Austin's community engagement website: *SpeakUp, Austin!*

OPO also conducted various outreach efforts, including Spanish-language outreach. Spanish-language responses to *SpeakUp, Austin!* surveys have historically been low. Outreach to the Spanish-speaking community was critical given these low participation rates and the fact that the Latinx community in Austin has experienced a high concentration of officer-involved shooting incidents in recent years.

Appendix A: Methodology

OPO's primary goals in creating and distributing the survey were to make it as accessible as possible and to reach community members who are generally not brought in to be part of conversations around policing. To reach these community members—including people of color, unhoused individuals, and those in the disability or mental health community—OPO focused on removing barriers to participation. As a result, the digital survey did not require participants to log in or register, and it did not ask for demographic data. While helpful data points, these things can decrease someone's willingness to participate in the survey and, as a result, the potential for their voice to be heard.

The survey consisted of both closed-ended and open-ended questions. The closed-ended questions, which had predefined answer choices, were necessary to collect data that could be measured in quantities. The open-ended questions were essential to provide a means for participants to express their thoughts and opinions. Open-ended questions also allowed OPO to review individual responses to learn more about the participants and develop insights. In the end, the survey consisted of sixteen closed-ended questions and two open-ended questions.

The digital survey was open on *SpeakUp, Austin!* from April 23 through May 31, 2021. During that time, OPO received more than 1,400 survey responses in both English and Spanish.

Virtual Meetings

OPO also engaged with community members by hosting four virtual events. As with the digital survey, OPO focused on ensuring that the events were accessible and inclusive. To that end, OPO offered interpretation by request for any language and every event offered interpretation in Spanish and American Sign Language. Approximately 60 community members attended the virtual presentations.

During the events, OPO's community engagement staff guided participants through a presentation covering APD's current policies and OPO's recommended policy changes. After presenting each policy, staff facilitated a discussion and collected feedback from individual participants. Community members were asked to provide their input on the existing policy and recommended changes by answering the question, "Does this policy make you feel safe?" Community members could respond aloud or reply through the Zoom application's chat function.

Additionally, participants were encouraged to answer closed-ended questions through the Zoom application's poll function. Each policy area's poll questions were broken up, but utilized the same language as those in the *SpeakUp, Austin!* survey.

Community feedback was documented by recording all four meetings and collecting transcripts of the meeting chat. Staff utilized this information to create data points used in this analysis.

Synthesis Process

To understand the qualitative data collected, a team of six Office of Police Oversight staff used a human-centered design approach to synthesize the findings. This approach to problem-solving places the people who are being designed for at the center of the process. The data was first organized and coded by sentiment, lived experience and actionable recommendations expressed. Then the information was reviewed in a quality control process to confirm it was categorized correctly. The group then analyzed to reveal patterns, insights, and themes.

Appendix A: Methodology

Community feedback on use-of-force policies

Community feedback on use-of-force policies are conclusions drawn from the quantitative and qualitative data directly related to the six use-of-force policy topics. For community feedback on use-of-force policies, the responses were filtered for specific mention of the policies in question. These groupings were separated based on whether they reflected a positive or negative sentiment, and clustered to reveal patterns in the responses.

These patterns were then evaluated through the lens of three questions to be answered:

1. Does the community think policy change is needed?
2. Is the community amenable to OPO's proposed changes?
3. Are there any other considerations?

Overarching Themes

Overarching themes are based on patterns observed across the cumulative qualitative data. The team identified the responses relevant to the six policy areas to reveal overarching themes during the data synthesis process. The team identified and developed more prominent themes across the data through group discussion and summarized these themes in concise statements. Then, the overarching themes were cross-referenced with the community feedback to ensure that they accurately represented community sentiment.

General Impressions from Community Feedback

General impressions from community feedback are topics that OPO saw repeatedly across data but are not necessarily related to policy. Many of these sentiments reflect community concerns about policing and reform more broadly. Unlike the previous two sections, this section does not include recommendations.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Restrict Shooting at Moving Vehicles

	Police Executive Research Forum ¹⁴⁴	International Association of Chiefs of Police ¹⁴⁵	Office of Police Oversight ¹⁴⁶
Deadly force: Vehicle or means other than vehicle?	Officers should be prohibited from shooting at moving vehicles unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself.	Offices should only consider this tactic if “a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle,” or when the vehicle is intentionally being used as a deadly weapon and “all other reasonable means of defense have been exhausted (or are not present or practical).”	Officers should be prohibited from shooting at moving vehicles unless they have, based on the totality of the circumstances, exhausted all possible alternatives and an occupant of the vehicle is using deadly force by means other than the vehicle itself.
Exceptions?	There should be an exception permitting officers to shoot at a vehicle when it is being used in a mass ramming incident with the intent of running down a crowd of people.	There should be an exception when the vehicle itself is “used as a deliberate means to kill others, such as a truck being driven through a crowd of innocent bystanders.”	There should be an exception allowing officers to shoot at a moving vehicle used in mass casualty incidents, providing the example of using a vehicle to drive into a crowd of people.
Officers’ duty to move out of the way?	Policies should require officers to get out of the way of a moving vehicle.	“In cases where officers believe that the driver is intentionally attempting to run them down, primary consideration must be given to moving out of the path of the vehicle. The Consensus Policy recognizes that there are times when getting out of the way of the vehicle is not possible and the use of a firearm by the officer may be warranted.”	Policies should require an officer to move out of the path of any approaching vehicle unless it is impossible to do so.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Restrict Shooting at Moving Vehicles (continued)

	Police Executive Research Forum ¹⁴⁷	International Association of Chiefs of Police ¹⁴⁸	Office of Police Oversight ¹⁴⁹
Terms and guidelines?	Policies prohibiting shooting at moving vehicles should eliminate vague terms that may undercut the concrete elements of the policy, such as the officer holding a “reasonable belief” the vehicle poses a threat. Such language, creates a loophole leading to bad tactics that compromises officers’ and community members’ safety.	Recommended policy language limits vague terms and instead uses phrases like “immediately.”	Policies related to shooting at moving vehicles should eliminate language like “reasonably perceives,” and undefined terms like “extraordinary circumstances.”
Other factors?	Proportionality—is the response proportional to the threat officers faced? Is a “win at all costs” mentality coming into play? “You can arrest the suspect another day, but you can never get that life back. This needs to be the new way of thinking about these types of encounters.”	When permitted, “such actions should be taken only if the action does not present an unreasonable risk to officers or others, when reasonable alternatives are not practical, when failure to take such action would probably result in death or serious bodily injury, and then only when due consideration has been given to the safety of others in the vicinity.”	Policy should prohibit discharge of a firearm at a moving vehicle in any situation when the totality of the circumstances indicates that it is more likely than not that an innocent passenger or bystander could be injured.
Shooting from a moving vehicle?	Agencies should adopt a prohibition against shooting at or from a moving vehicle unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself.	Not permitted unless exigent circumstances exist. Same arguments can be made as with shooting at a moving vehicle. “Most notably, accuracy of shot placement is significantly and negatively affected in such situations, thereby substantially increasing the risk to innocent bystanders from errant shots.”	Policy should prohibit shooting from moving vehicles.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Exhaust All Alternatives Using Deadly Force

	Police Executive Research Forum ¹⁵⁰	International Association of Chiefs of Police ¹⁵¹	Office of Police Oversight ¹⁵²
Should officers be required exhaust all alternatives before using deadly force?	In a 2017 assessment of the Winslow, Arizona Police Department, the Police Executive Research Forum stated that the department should add language to its use-of-force policy "...that prohibits the use of lethal force against individuals who pose a danger only to themselves and not to other members of the public or to officers. Officers should also be required to consider the use of many available less-lethal options in these situations. Officers should be prepared to exercise considerable discretion to wait as long as necessary so that the situation can be resolved peacefully."	In 2020 published a revised version of its model use-of-force policies stating, "Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances." In its policy on shooting at moving vehicles, the International Association of Chiefs of Police states that the tactic is only permitted when "...all other reasonable means of defense have been exhausted (or are not present or practical)..."	Only permits the use of deadly force as a last resort after all alternatives have been exhausted or when, after analyzing the situation, alternatives have been rendered unreasonable by the totality of the circumstances." "Unreasonable" is defined as conduct which, given the totality of the circumstances, is irrational, unwarranted, or not in accordance with practical realities. Assessments will be based on an objective examination of real-time facts and information, avoiding hypothetical scenarios.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

De-Escalation

	Police Executive Research Forum ¹⁵³	International Association of Chiefs of Police ¹⁵⁴	Office of Police Oversight ¹⁵⁵
Addresses potential reasons for noncompliance?	<p>In its de-escalation training program, which is used by APD, the Police Executive Research Forum states, “Don’t automatically view non-compliance as a threat. There are many reasons the subject may not be following your directions (can’t hear, can’t process information). Stay focused on the subject’s behavior and communication back to you. Remember....everything you do impacts all future contacts the individual in crisis (and maybe family and friends) have with the police. Don’t make it harder for the next officer by taking shortcuts or treating someone poorly. Finally...manage your own reactions.”</p>	<p>Stated in its model policy titled Interactions with Individuals with Intellectual and Developmental Disabilities, “Some people with I/DD might become easily upset and can engage in self-harming behaviors or act in aggressive ways. Fear, including fear of law enforcement, frustration, and changes in their daily routines and surroundings can trigger such behavior. The mere presence of an officer can also be a source of stress. People with I/DD often have impairments that make it difficult for them to process incoming sensory information.”</p>	<p>Requires officers to gather information as they arrive on scene, including factors that could impact someone’s ability to interact with officers, understand the nature of the situation, and/or voluntarily comply with instructions. Provides a non-exhaustive list of examples, including: (1) medical conditions; (2) mental health diagnoses, (3) intellectual or developmental disabilities (IDD), or cognitive disorders; (4) mental health crises; (5) physical capabilities (taking into account factors like age, injury, or size); (6) hearing or vision capabilities; (7) language barriers; (8) effects of drugs (street or prescribed) or alcohol; and (9) conflicting noise or other distractions in the vicinity (e.g. multiple officers giving commands at the same time, traffic noise, lights and sirens, etc.).</p>

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

De-Escalation (continued)

	Police Executive Research Forum	International Association of Chiefs of Police	Office of Police Oversight
Addresses potential reasons for noncompliance? (continued)		<p>The policy goes on to list 14 things that officers should do when interacting with individuals with I/DD, including, but not limited to, the following: (1) speak calmly; (2) repeat short, direct phrases in a calm voice, avoiding slang or euphemisms; (3) use nonthreatening body language, soft gestures, and avoid abrupt movements or actions, keeping hands at sides and visible when possible; (4) whenever reasonable and practical, avoid touching the person unless there is an emergency situation; (5) maintain a safe distance, providing the person with a zone of comfort that will also serve as a buffer for officer safety; (6) eliminate, to the degree possible, loud sounds, bright lights, and other sources of overstimulation by turning off lights and sirens; (7) avoid taking mobility devices away; (8) be prepared for a potentially long encounter; (9) do not interpret odd behavior as belligerent or aggressive.</p>	

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

De-Escalation (continued)

	Police Executive Research Forum ¹⁵⁶	International Association of Chiefs of Police ¹⁵⁷	Office of Police Oversight ¹⁵⁸
Addresses the safety of all involved in an incident?	States in its de-escalation training guide, “Reinforce with patrol officers the core ideal of sanctity of human life--the need to protect themselves, members of the public and, whenever possible, criminal suspects and subjects in crisis from danger and harm.”	Acknowledges that “...the goal of de-escalation is to slow down the situation so that the subject can be guided toward a course of action that will not necessitate the use of force, reduce the level of force necessary, allow time for additional personnel or resources to arrive, or all three.”	“Officers shall safely incorporate appropriate de-escalation techniques in all circumstances, and shall approach all encounters with the goal of preventing or minimizing uses of force and, in situations where compliance is needed, gaining voluntary compliance.”
Addresses an officer's role in impacting the direction of an interaction?	<p>Training reminds officers to manage their own reactions, citing the impact that one incident can have on the community's view of police in the future.</p> <p>Training directs officers to not automatically view non-compliance as a threat.</p> <p>Adding a new module to its de-escalation training program to introduce the concept of “Step Up and Step In” to address the importance of peer intervention.</p>	Discusses the importance of volume and tone of speech during interactions, as well as the importance of body language, stating that “...standing too close to an angry or agitated person might cause them to feel threatened.”	“While de-escalation efforts may fail in some instances, officers are expected to recognize their ability to impact the direction and outcome of many situations through their own conduct and decision-making. Officers shall not engage in unnecessary conduct that could be expected to escalate a situation.”

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Duty to Intervene in Cases of Improper or Excessive Use of Force

	Police Executive Research Forum ¹⁵⁹	International Association of Chiefs of Police ¹⁶⁰	Office of Police Oversight ¹⁶¹
Should the duty to intervene be triggered when an officer believes another officer is preparing to use unnecessary or excessive force and when officers observe unnecessary or excessive force?	Officers should be obligated to intervene when they believe another officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force, or engaging in other misconduct.	An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.	Any officer who observes another officer use or prepare to use force that is not objectively reasonable or engage in any conduct that would constitute a violation of state law, federal law, or APD policy shall make every effort to safely intervene and stop the other officer.
Should the duty to intervene apply to misconduct aside from force?	Officers should be obligated to intervene when they believe another officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force, or engaging in other misconduct.	“Implementing a standalone ‘Duty to Intervene’ policy separate from an agency’s use-of-force policy communicates that this is a priority for an agency’s leadership. An effective policy states that officers must intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being inappropriately applied or applied when it is no longer required.	Any officer who observes another officer use or prepare to use force that is not objectively reasonable or engage in any conduct that would constitute a violation of state law, federal law, or APD policy shall make every effort to safely intervene and stop the other officer.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Duty to Intervene in Cases of Improper or Excessive Use of Force (continued)

	Police Executive Research Forum	International Association of Chiefs of Police	Office of Police Oversight
Should officers be provided guidance on how they should intervene?	The policy must “be clear that an intervention must go beyond a verbal comment if the officer using force ignores the attempted intervention.”	Acknowledges that the means of intervention depends on the situation, but recommends that officers intervene by using one or more of the “3 D’s”: Distract, Direct (“address the misconduct directly and step in to intervene”), and Delegate	Requires intervening officers to make every effort to safely intervene by verbal and physical means as the situation requires. Requires that, if verbal intervention is not enough to stop the act(s), intervening officers must make every effort to safely intervene through physical means. Also provides examples of verbal and physical intervention.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Duty to Intervene in Cases of Improper or Excessive Use of Force (continued)

	Police Executive Research Forum ¹⁶²	International Association of Chiefs of Police ¹⁶³	Office of Police Oversight ¹⁶⁴
Issues of police culture addressed?	Cites the difficulty that police officers may have in challenging one another, especially if someone of lower rank or tenure is challenging someone of higher rank or tenure.	Acknowledges that officers may not intervene because of a "...belief that loyalty means supporting a colleague's actions regardless of whether they are right or wrong, a fear of retaliation and backlash from peers, detriment to one's career, or the desire to not get involved. Peer bystander intervention encourages officers to recognize that stepping into a situation when a peer is about to make a mistake benefits them and everyone involved."	Accounts for hierarchical issues and retaliation in police culture. Cross-references APD policies related to insubordination and obedience, stating that the policy creates an affirmative duty to intervene regardless of rank or whether the intervening officer is of higher or lower rank than the officer(s) whose conduct is in question. Also explicitly prohibits retaliation against intervening officers.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Ban Chokeholds and Strangleholds

	Police Executive Research Forum ¹⁶⁵	International Association of Chiefs of Police ¹⁶⁶	Office of Police Oversight ¹⁶⁷
Addresses respiratory and vascular neck restraints?	“PERF recommends the prohibition of any type of neck restraint, such as [the] Carotid Control Hold, due to the limited occasions in which it is necessary, and the extensive training and skill required to perform it safely and effectively.”	References both “choke holds” (respiratory neck restraints) and “Vascular Neck Restraints” and describes them as “extremely dangerous maneuvers that could easily result in death.”	Officers should be prohibited from shooting at moving vehicles unless they have, based on the totality of the circumstances, exhausted all possible alternatives and an occupant of the vehicle is using deadly force by means other than the vehicle itself.
Prohibits or restricts?	“PERF has generally recommended the prohibition of any type of neck restraint...”	Restricts in all cases except where deadly force would be authorized.	Prohibits officers from performing any action that could, or is intended to, prevent, reduce, hinder or otherwise negatively impact an individual’s blood flow to the brain or intake of air.

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Ban Chokeholds and Strangleholds (continued)

	Police Executive Research Forum	International Association of Chiefs of Police	Office of Police Oversight
Addresses training?	<p>Explained in a 2020 assessment of the Vancouver, WA Police Department that extensive training and skill are required to perform these maneuvers safely and effectively.</p> <p>Stated in a 2018 assessment of the Volusia County Sheriff's Office that departments allowing neck restraints must ensure officers "...are trained and tested yearly on the proper techniques, and that policy and training are revised so that it is authorized only in situations in which lethal force is authorized."</p> <p>In its 2015 report, Re-engineering Training on Police Use of Force, published an interview with the NYPD Chief discussing neck restraints. "The training team put on an exhibition of what they do in the Police Academy, and it was very impressive. But the problem was that these folks who do the training are all very practiced in martial arts.</p>	<p>Explains that "...officers should receive training on their agency's use-of-force policy and any accompanying legal updates on at least an annual basis. Training should also be provided on all approved force options and techniques permitted by agency policy, along with regular refresher training that includes a review of the policy and hands-on, practical training."</p>	<p>Categorically bans the use of maneuvers like chokeholds and strangleholds in part because APD does not train on these maneuvers.</p>

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Ban Chokeholds and Strangleholds (continued)

	Police Executive Research Forum	International Association of Chiefs of Police	Office of Police Oversight
<p>Addresses training? (Continued)</p>	<p>They have done this training all day, every day, for many years, so they've developed an expertise with it, and they demonstrated all these restraint techniques that they were able to employ very effectively. But that does not translate when you try to train a police officer in it during one brief session in their career, maybe two if they're lucky."</p>		

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Warn Before Shooting

	Police Executive Research Forum ¹⁶⁸	International Association of Chiefs of Police ¹⁶⁹	Office of Police Oversight ¹⁷⁰
Warnings required?	<p>PERF de-escalation curriculum, including its Critical Decision-Making Model, focus heavily on “slowing down” encounters and effective communication.</p> <p>In a 2018 assessment of the Volusia County Sheriff’s Office, PERF assessed the “degree of communication between the subject and deputy prior to the shooting. Determinations that a deputy did communicate were made conservatively by reviewers, based on qualitative assessment of whether the shooting occurred quickly, or whether the deputy had had an opportunity to attempt to resolve the incident without the use of force prior to the shooting.”</p>	<p>If an officer decides to use deadly force, they must, “whenever feasible...warn the subject of his or her intent to use deadly force...”</p>	<p>Requires that a verbal warning be given prior to the deployment of a firearm except in limited circumstances.</p>

Appendix B: Comparing OPO's Proposed Recommendations with Best Practices

Warn Before Shooting (continued)

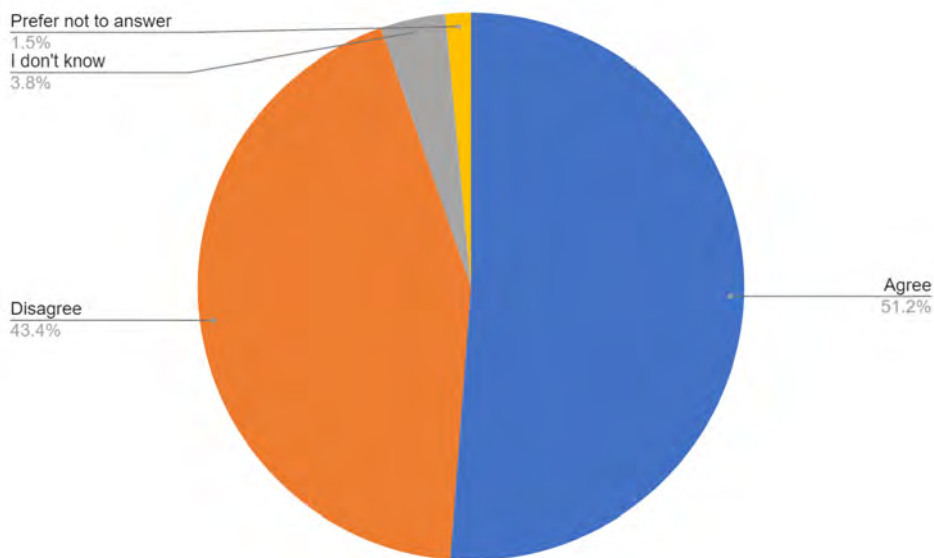
	Police Executive Research Forum	International Association of Chiefs of Police	Office of Police Oversight
Exceptions when warnings are not required?	Distinguishes warnings from giving ultimatums, noting that individuals "...may not understand or be able to comprehend what you are saying, so ultimatums are counter-productive."	"If issuing a verbal warning presents a heightened risk to the safety of the officer or another person, the officer may employ deadly force without delay."	Warnings not required if 2 conditions met: 1. Use of deadly force is immediately necessary to prevent imminent death or serious bodily injury to officers or bystanders on scene 2. Giving a warning will place the officer or bystanders in additional danger.
Warnings required to include specific language?	States to avoid ultimatums.	Officers must "identify himself or herself, warn the subject of his or her intent to use deadly force, and demand that the subject stop. This requirement was made clear in the Garner decision."	Warnings must identify officers as police officers and include a clear, specific command (e.g. "Austin Police! Drop the weapon or I'll shoot!").

Appendix C: Data Visualizations of Quantitative Community Feedback

The following charts visualize the quantitative data analyzed in this report, including the more than 1,400 survey responses collected from SpeakUp, Austin! English and Spanish surveys and virtual community meetings polls. The cumulative responses to the sixteen multiple-choice questions are visualized in this section.

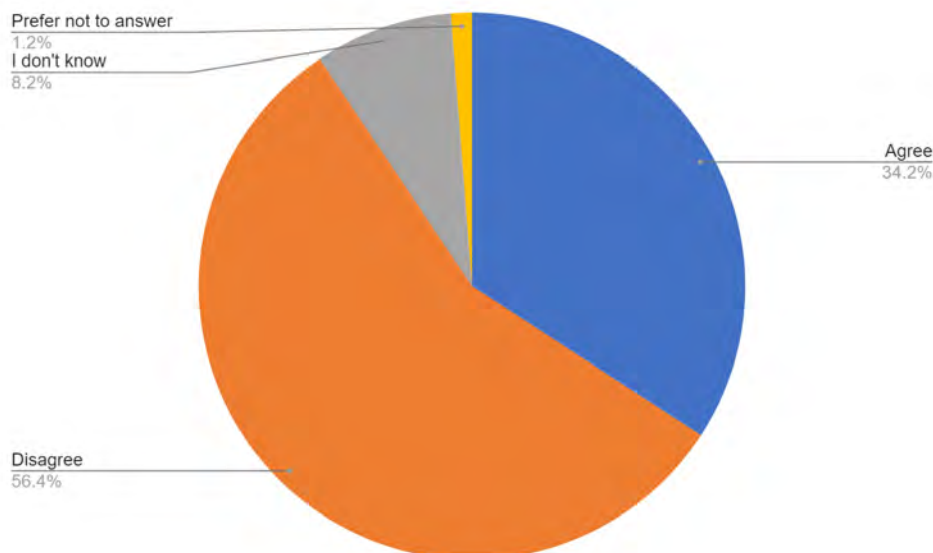
1. "Does APD's current policy on 'shooting at moving vehicles' (not including OPO's recommendations) make you feel safe?"

"¿Las políticas actuales de APD sobre 'disparos a vehículos en movimiento' (no incluyendo las recomendaciones de OPO) le hacen sentir seguro?"



2. "Under all circumstances, shooting at moving vehicles should be prohibited."

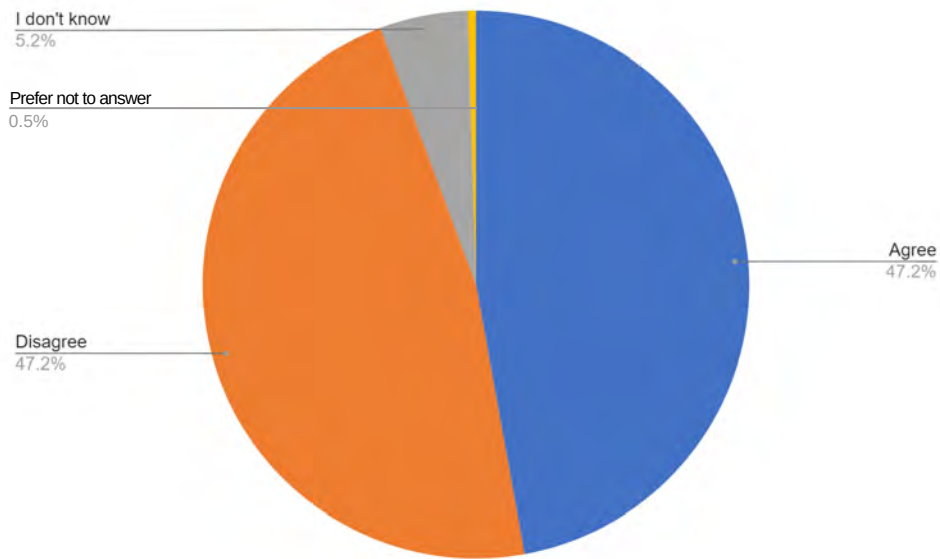
"Debería estar prohibido disparar a vehículos en movimiento bajo cualquier circunstancia."



Appendix C: Data Visualizations of Quantitative Community Feedback

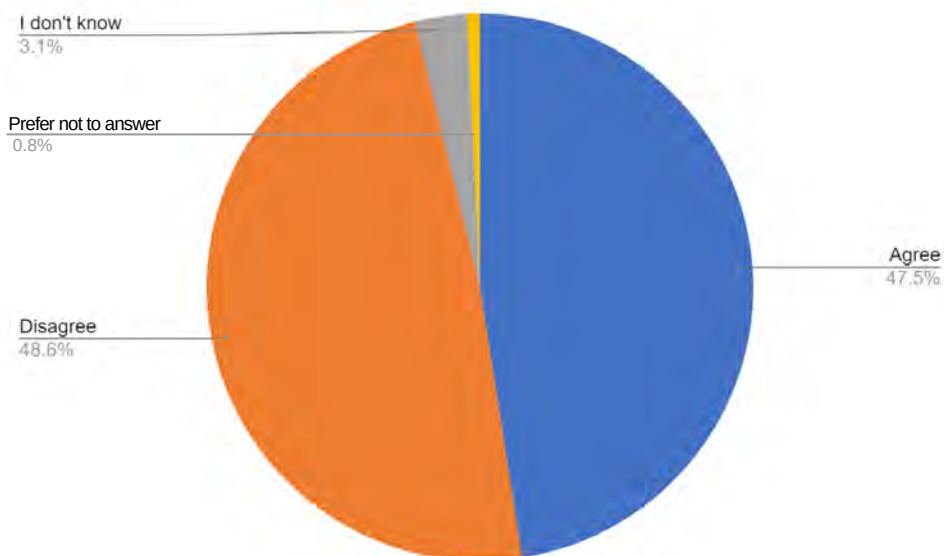
3. "Officers should be prohibited from the act of shooting while driving or riding in a moving vehicle."

"Los oficiales deberían tener prohibido disparar mientras conducen o viajan en un vehículo en movimiento."



4 "Does APD's current policy on 'exhausting all alternatives before using deadly force' (not including OPO's recommendations) make you feel safe?"

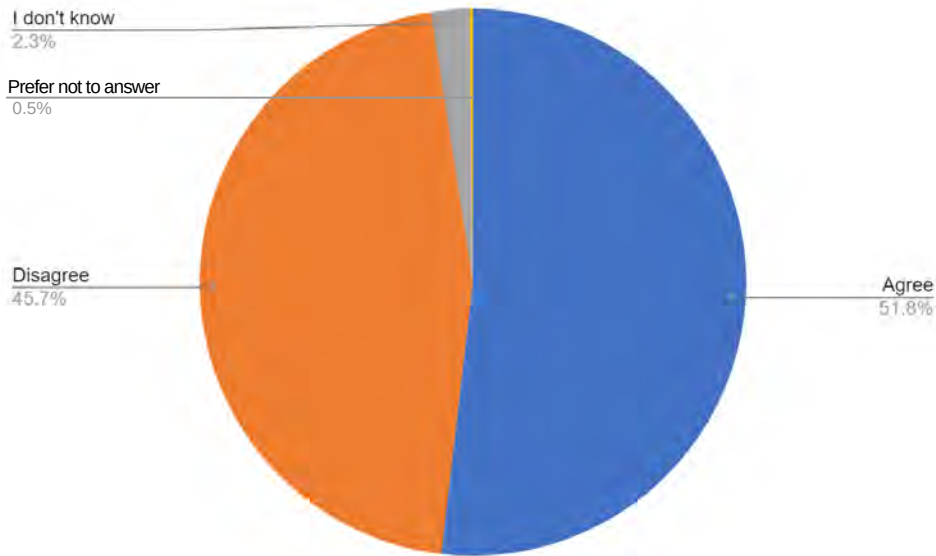
"¿Las políticas actuales de APD sobre 'agotar todas las alternativas antes de usar la fuerza letal' (no incluyendo las recomendaciones de OPO) le hacen sentir seguro?"



Appendix C: Data Visualizations of Quantitative Community Feedback

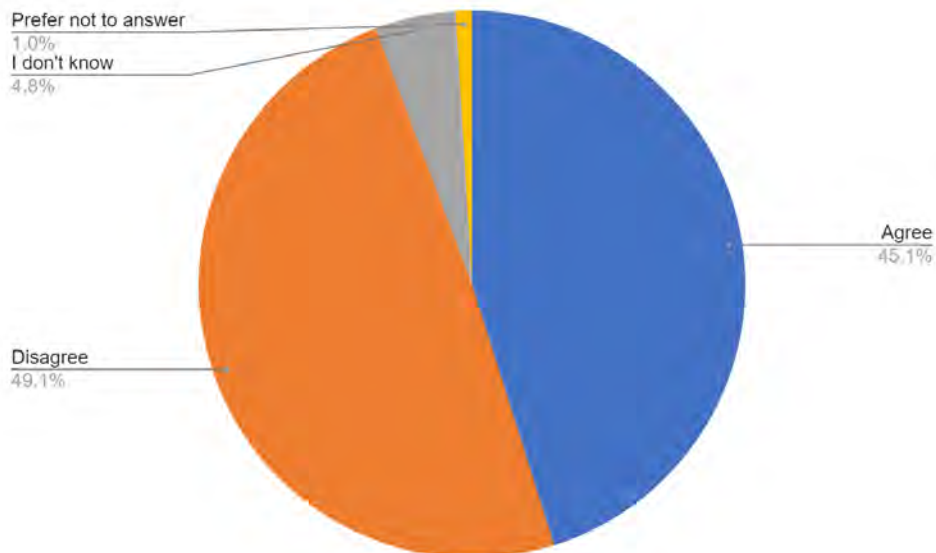
5. "Should officers be required to use all available alternatives before using deadly force?"

"¿Deben usar los oficiales todas las alternativas disponibles antes de usar la fuerza letal?"



6. "Does APD's current policy on 'de-escalation' (not including OPO's recommendations) make you feel safe?"

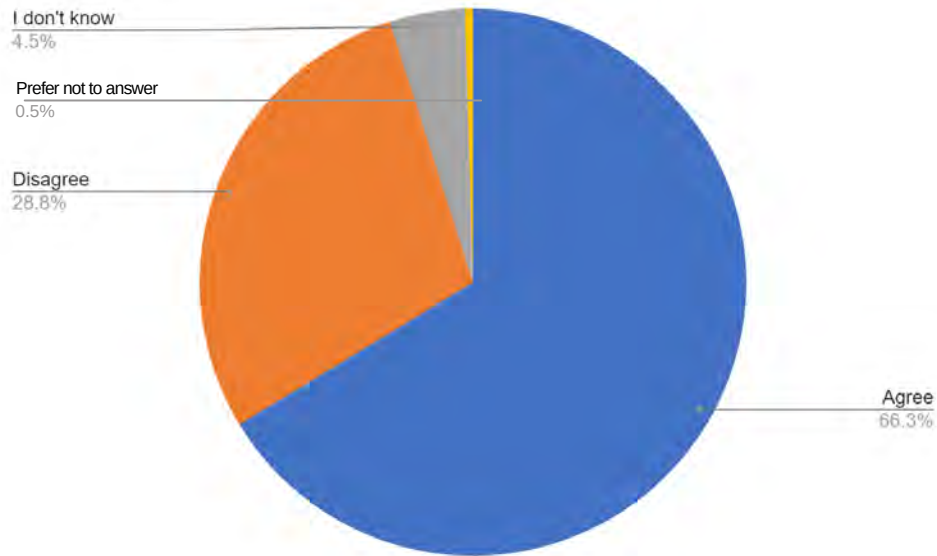
"¿Las políticas actuales de APD sobre 'desescalada' (no incluyendo las recomendaciones de OPO) le hacen sentir seguro?"



Appendix C: Data Visualizations of Quantitative Community Feedback

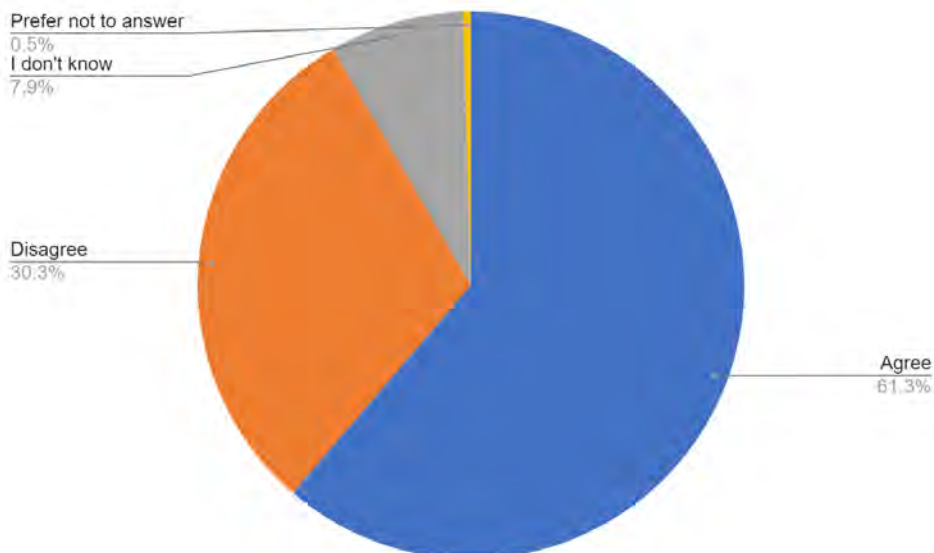
7. "APD should add a list of de-escalation techniques that officers can use."

"APD debe agregar una lista de técnicas para desescalar situaciones que pueden usar los oficiales."



Q8. "Should APD policy acknowledge or address factors that affect someone's ability to follow an officer's orders, such as disability, mental health, or fear?"

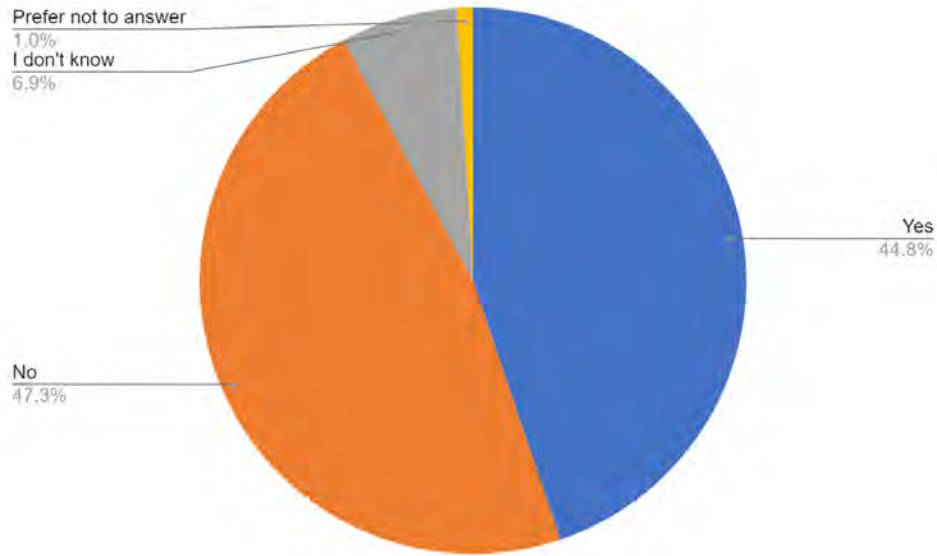
"¿Deben las políticas de APD reconocer o abordar los factores que afectan la habilidad de una persona de seguir las órdenes de un oficial, como discapacidad, salud mental o miedo?"



Appendix C: Data Visualizations of Quantitative Community Feedback

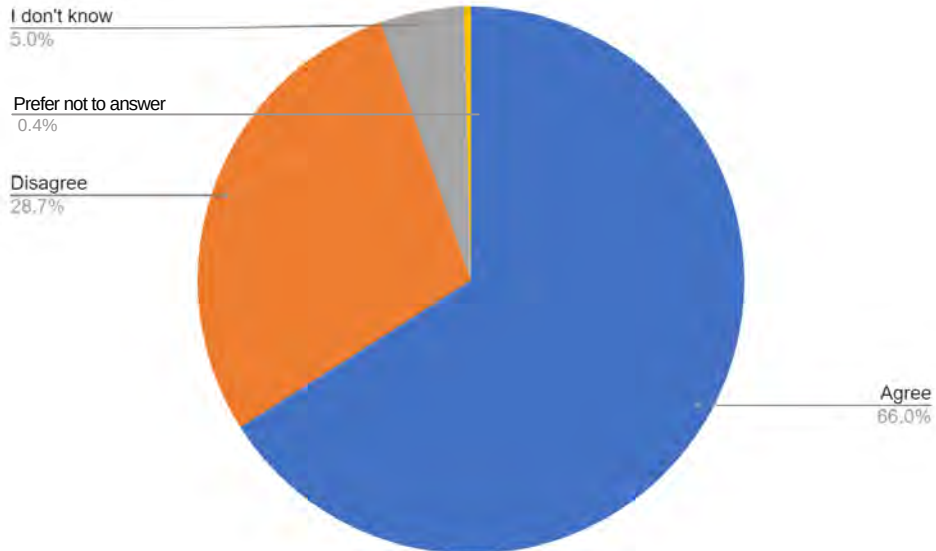
Q9. "Does APD's current policy on the 'duty to intervene in cases of improper or excessive use of force" (not including OPO's recommendations) make you feel safe?"

"¿Las políticas actuales de APD sobre el 'deber de intervenir en casos de uso de fuerza inapropiado o excesivo' (no incluyendo las recomendaciones de OPO) le hacen sentir seguro?"



Q10. "APD policy on the duty to intervene should list the different ways an officer can intervene."

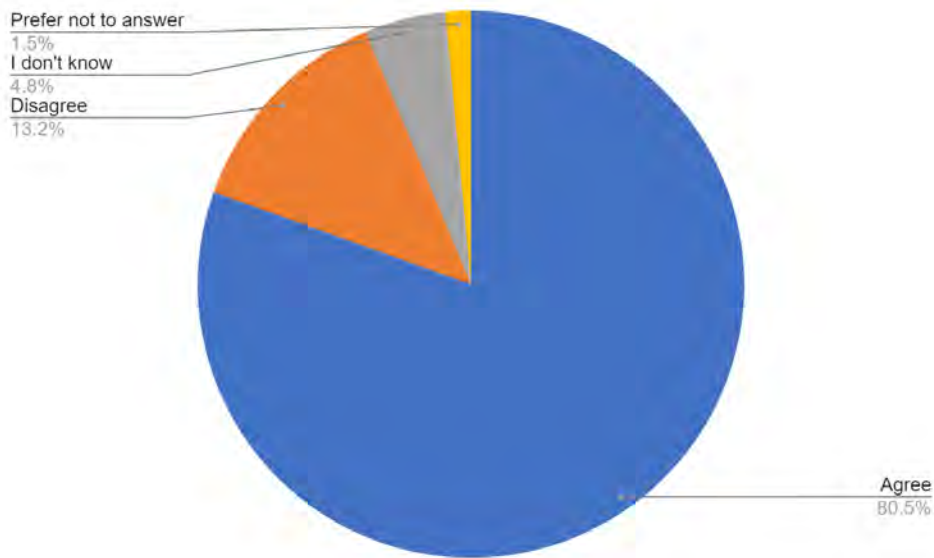
"Las políticas de APD sobre el deber de intervenir deben enumerar las distintas formas en las que un oficial puede intervenir."



Appendix C: Data Visualizations of Quantitative Community Feedback

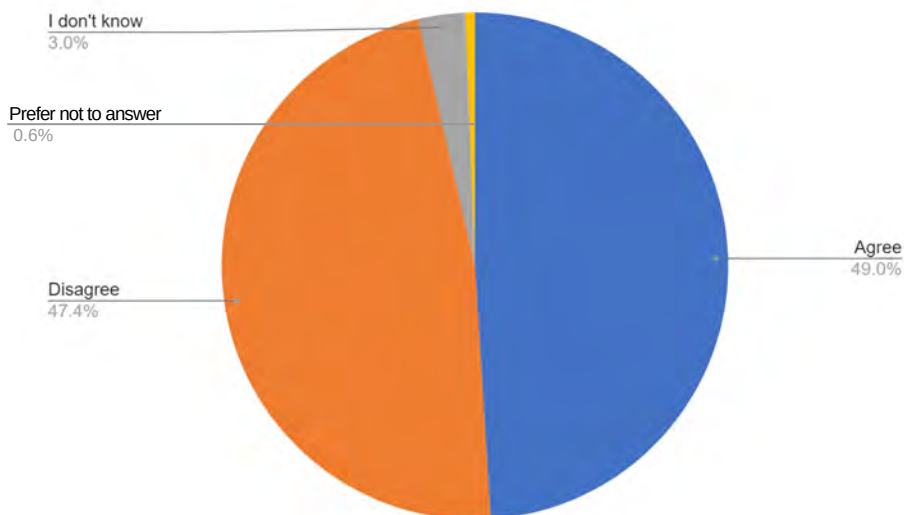
Q11. "Any officers who witness improper or excessive use of force by any other officer and do not interfere should be required to report the full circumstances of the incident."

"Cualquier oficial que sea testigo del uso de fuerza inapropiado o excesivo por parte de cualquier otro oficial y que no interfiera debe estar obligado a reportar todas las circunstancias del incident."



Q12. "Does APD's current policy on 'warning before shooting' (not including OPO's recommendations) make you feel safe?"

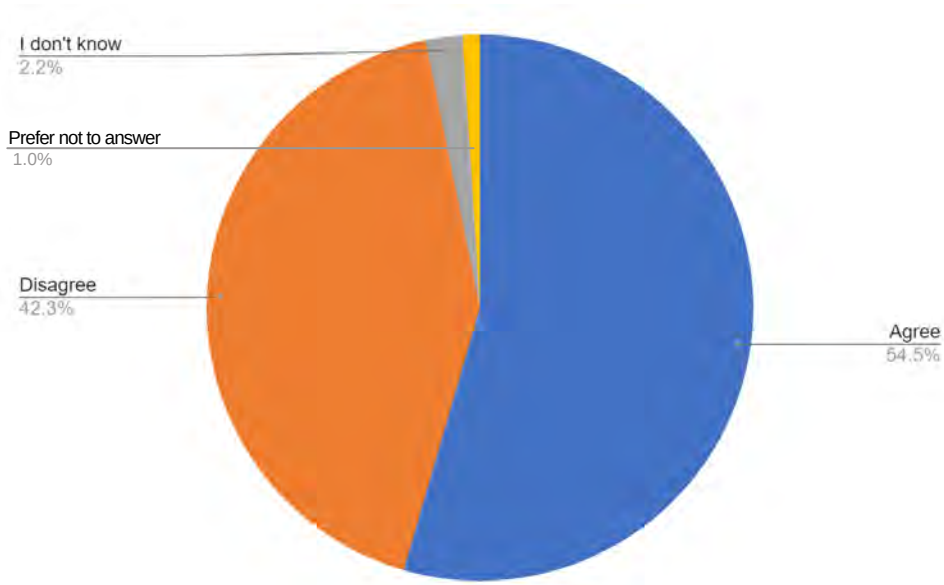
"¿Las políticas actuales de APD sobre 'advertir antes de disparar' (no incluyendo las recomendaciones de OPO) le hacen sentir seguro?"



Appendix C: Data Visualizations of Quantitative Community Feedback

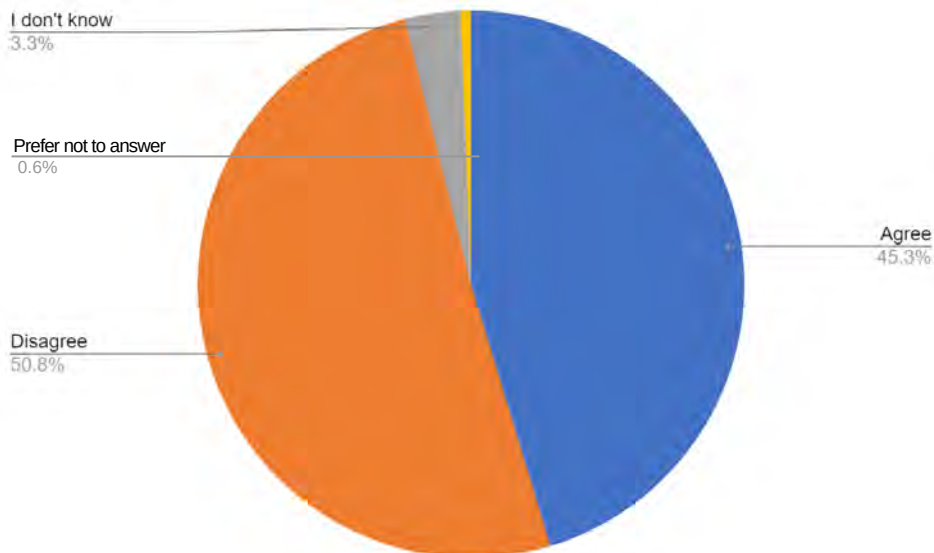
Q13. "APD policy must specify how an officer should give a warning before shooting."

"Las políticas de APD deben especificar cómo es que un oficial debe advertir antes de disparar."



Q14. "Does APD's current policy on 'banning chokeholds and strangleholds' (not including OPO's recommendations) make you feel safe?"

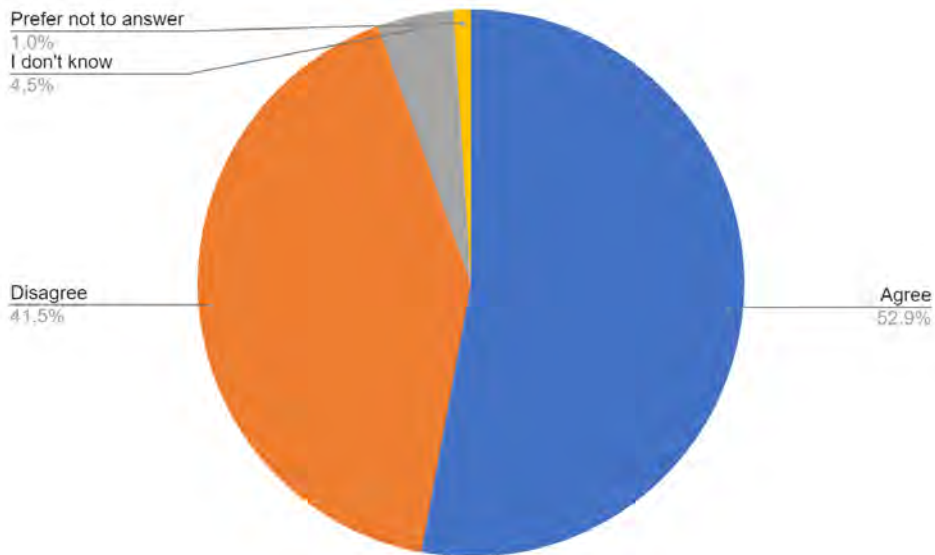
"¿Las políticas actuales de APD sobre 'prohibición de las llaves al cuello y las llaves estranguladoras' (no incluyendo las recomendaciones de OPO) le hacen sentir seguro?"



Appendix C: Data Visualizations of Quantitative Community Feedback

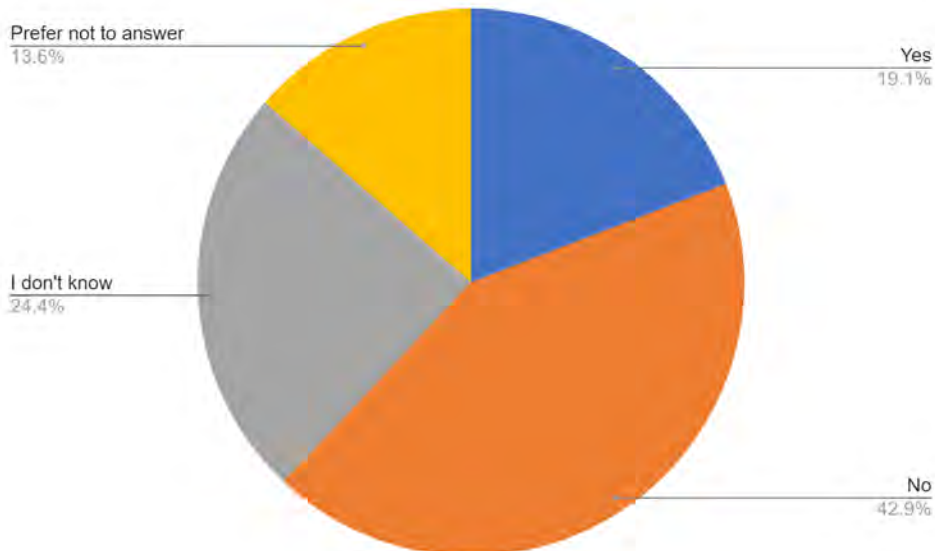
Q15. "Chokeholds and strangleholds should be banned."

"Las llaves al cuello y las llaves estranguladoras deberían estar prohibidas."



Q16. "Do the six OPO suggested policy changes to APD policy (click this link to review the recommendations) provide enough direction to guide officer behavior?"

"¿Están alineadas las políticas existentes con sus ideas de seguridad comunitaria? ¿Por qué sí o por qué no?"



Endnotes

1. See City of Austin Office of Police Oversight, *8 Can't Wait Policy Review and Recommendations*, Jan. 2021, <https://alpha.austin.gov/policeoversight/policy-review-and-recommendations-8-cant-wait/>.
2. See City of Austin Office of Police Oversight, *8 Can't Wait Policy Review and Recommendations*.
3. See City of Austin Office of Police Oversight, *8 Can't Wait Policy Review and Recommendations*.
4. Resolution 20200611-050, Austin City Council (June 11, 2020), accessed Oct. 1, 2021, <https://www.austintexas.gov/edims/document.cfm?id=342178>; Resolution 20200611-095, Austin City Council (June 11, 2020), accessed Oct. 1, 2021, <https://www.austintexas.gov/edims/document.cfm?id=342177>; Resolution 20200611-096, Austin City Council (June 11, 2020), accessed Oct. 1, 2021, <https://www.austintexas.gov/edims/document.cfm?id=342179>.
5. Resolution 20200611-050; Resolution 20200611-095; Resolution 20200611-096.
6. Resolution 20200611-095; Resolution 20200611-096.
7. Resolution 20200611-095.
8. Resolution 20200611-095.
9. See City of Austin Office of Police Oversight, *8 Can't Wait Policy Review and Recommendations*.
10. See City of Austin Office of Police Oversight, *8 Can't Wait Policy Review and Recommendations*.
11. See City of Austin Office of Police Oversight, *8 Can't Wait Policy Review and Recommendations*; *8 Can't Wait, Campaign Zero, 2020*, accessed Oct. 1, 2021, <https://8cantwait.org>.
12. See "Office of Police Oversight," City of Austin, accessed Oct. 1, 2021, <https://alpha.austin.gov/police-oversight/>; Resolution 20200611-095; Resolution 20200611-096.
13. Resolution 20200611-095.
14. Resolution 20200611-095.
15. See City of Austin Office of Police Oversight, *8 Can't Wait Policy Review and Recommendations*.
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Endnotes

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