



**ICMS: 2019-0589**

**Date of Complaint: June 7, 2019**

**Complaint:** A complaint was received alleging that an Austin Police Department officer forced himself into the complainant's apartment after she told him she was naked and he should have left her apartment when she asked him to leave after it was determined the call for service was false.

**Additional information:**

Video Received from Complainant

**Administrative Policies to Review:**

**Response to Resistance**

**200.2.1 ASSESSMENT AND DE-ESCALATION**

As officers arrive on the scene, observe conditions, and interact with the persons there, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences help to develop an understanding of the totality of the circumstances of the incident.

(a) Assessing Risks and Benefits – After an officer has gathered sufficient information to ascertain anticipated threats at the scene, they shall consider whether de-escalation is appropriate. Factors that should be considered are:

1. Whether the officer believes the search, arrest or transportation must be undertaken immediately
2. What risks and benefits may be associated with delaying immediate action
3. What contingencies may arise;
4. Whether the situation requires a supervisor's response;
5. Whether other officers may be needed on the scene, including special units, such as CIT or CINT;
6. Whether other resources (e.g. less-lethal weaponry, special equipment, or other emergency professionals, interpreters or other persons) are needed; and
7. Other factor(s) relevant to assessing risks, benefits and contingencies.

Having completed the above outlined assessment the officers shall, if reasonable, identify and employ appropriate de-escalation techniques.

(b) Use of De-escalation Techniques – Employing de-escalation techniques may involve securing additional resources, tactical repositioning, and employing verbal persuasion.

Securing Additional Resources -- Officers may utilize additional resources which are reasonably calculated to lessen or possibly eliminate the need to respond to resistance in a situation. To the extent possible and reasonable, in light of the totality of the circumstances, officers should avoid physical confrontation until such time as additional resources have arrived to assist. Additional resources may include:

- a. Less lethal weaponry;



- b. Additional officers;
- c. Officers with special training, such as CIT or CINT; or
- d. Any other persons whose presence may help de-escalate the situation (e.g., emergency medical professionals, interpreters, or supportive family members).

Verbal Persuasion -- To the extent possible and reasonable under the totality of the circumstances officers may use one or more of the following verbal techniques to try to calm an agitated subject and promote rational decisions.

- (a) Treat the subject with dignity and respect, the way the officer would wish to be treated if they stood in the subject's shoes;
- (b) Listen to the subject's side of the story and permit them to express frustration;
- (c) Explain what the officer is doing, what the subject can do, and what needs to happen;
- (d) Explain why the officer is taking a specific action, again permitting the subject to respond and acknowledging their perspective;
- (e) If possible, provide the subject with alternatives, even though those alternatives may be limited;
- (f) Advise the subject of the consequences for noncompliance;
- (g) Offer reasonable, professional advice if it is expected to help; or
- (h) Provide the subject with reasonably sufficient time within which to respond to directives.

### **301.2 IMPARTIAL ATTITUDE AND COURTESY**

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

(a) Employees will not express or otherwise manifest any prejudice concerning race, religion, national origin, age, political affiliation, sex, or other personal characteristics in the performance of their duties.

1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
2. The use of racial or ethnic remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons is strictly prohibited.

(b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.

(c) Employees will make every effort to be courteous and respectful toward all persons.

***The OPO is permitted to make a preliminary recommendation on the classification of administrative cases. The OPO recommends that this allegation receive a B classification.***