



# OFFICE OF POLICE OVERSIGHT

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## Office of Police Oversight Formal Complaints: June 1 to June 10, 2020

Between May 29<sup>th</sup>, 2020 and June 10, 2020, The Office of Police Oversight was contacted 895 times regarding complaints against the Austin Police Department.

- 107 by online form
- 387 by phone
- 401 by email

Of these, the Office of Police Oversight is recommending 227 complaints for formal investigation by the Internal Affairs division of the Austin Police Department. The 227 formal complaints are representative of 606 individuals who contacted the Office of Police Oversight to file a complaint.

Due to the sheer volume of these complaints, the Office of Police Oversight has compiled complaints by date.

- June 1, 2020: 35
- June 2, 2020: 45
- June 3, 2020: 44
- June 4, 2020: 33
- June 5, 2020: 26
- June 8, 2020: 13
- June 9, 2020: 21
- June 10, 2020: 10

Complaints are redacted to remove personal or identifying information. If you have any questions, please email [policeoversight@austintexas.gov](mailto:policeoversight@austintexas.gov).



ICMS #: 2020-0913

June 9, 2020

**Complaint:** The Office of Police Oversight received an online complaint from [REDACTED] stating as follows:

“My Mother Was Shot With Bean Bag Rounds By A Firing Squad Of Officers. She has a huge wound on her leg from the incident. Even now a week later she is feeling pain. THE EXCESSIVE USE OF FORCE WAS UNNECESSARY AND THERE IS NO ACCOUNTABILITY FROM APD IT IS A SHAME. I need to be contacted about this issue and we demand resolve from APD.”



ICMS #: 2020-0914

June 9, 2020

**Complaint:** The Office of Police Oversight received an anonymous online complaint stating as follows:

“I’m calling for the firing of the officer that shot [REDACTED], severely injuring him.”



ICMS #: 2020-0915

June 9, 2020

**Complaint:** The Office of Police Oversight received an anonymous phone complaint in which the complainant stated that their friend was “leaving the area as the officer told her” and “she was shot in the face.”



ICMS #: 2020-0922

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“I’m writing to express my discontent that APD has deployed an LRAD (Genasys 300X?) at the site of peaceful protests.

These devices are extremely dangerous and can cause permanent hearing damage to the children and adults protesting in front of police headquarters.

These devices do not serve and protect our community.

Thank you.

[REDACTED]  
District 1, 78723”



ICMS #: 2020-0923

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“Police Oversight Committee,

I’m appalled that the APD is utilizing a wartime device against civilian protestors exercising their right to assemble.

Why is it appropriate for the police, those who are supposedly here to serve and protect us, to inflict lifelong damage and disabilities. Frankly I find it disgusting that a city that applauds itself as diverse, safe, liberal and weird encourages wanton police violence. I implore you to remove this device from use by the police force, there is no appropriate use for this device in this country.

Sincerely,

[REDACTED]

Austin resident”



ICMS #: 2020-0924

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“To whom this may concern,

I implore you to insist on the immediate removal of the LRAD 300x noise weapon mounted on top of APD headquarters.

This device is capable of producing permanent hearing damage among other injuries. It was developed for crowd control in war zones.

We are not at war.

Protesters are not the enemy.

Quite often there are CHILDREN within range of this shameful device.

This must be removed and banned from use forever in Austin. I demand to know who authorized this and their justification.

Hearing is not something that can be replaced.

Signed, A voter in district 5”



ICMS #: 2020-0927

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“APD appear to have deployed an LRAD (Long Range Acoustical Device, commonly known as a "sonic cannon") on their building. This weapon causes painful and permanent hearing damage. Like other "less lethal" munitions, these devices are NOT appropriate to use on protesting civilians. After all we've seen of protesters and bystanders being maimed by so-called 'riot control' weapons, the police need to DE-ESCALATE. It would be quite easy for trigger-happy police to decide to unleash this weapon at the merest hint of citizen resistance, but just because it isn't lethal does not mean it is a harmless alternative to direct physical violence.

I'm calling on you to have the APD remove these weapons.



policy can realistically predict every situation an officer might encounter, the Department recognizes that each officer must be entrusted with well-reasoned discretion in determining the reasonable de-escalation techniques to use in a situation. This de-escalation policy is intended to complement, not replace or supersede, other portions of the APD Policy Manual or specific officer training that addresses de-escalation.

#### 200.2.1 ASSESMENT 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.

#### 200.3 RESPONSE TO RESISTANCE

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

##### 200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.

#### 206.4 CHEMICAL AGENT GUIDELINES

Chemical agents are devices used to minimize the potential for injury to employees, offenders, or other subjects. They should be used only in situations where such force reasonably appears necessary.

##### 206.4.3 TREATMENT FOR CHEMICAL AGENT EXPOSURE

Subjects who have been affected by the use of chemical agents should be afforded means of cleansing the affected areas as soon as practicable. Those subjects who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

##### 206.5.5 SHOT PLACEMENT AND DEPLOYMENT DISTANCES

Officers should generally follow their training instructions regarding minimum deployment distances and target areas. The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.



The head and neck should not be intentionally targeted, however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death to officers or others.

### 300.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Tex. Penal Code § 42.03 (Obstructing Highway or Other Passageway), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

### 301.1 PURPOSE AND SCOPE – RESPONSIBILITY TO THE COMMUNITY

All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

### 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.

### 301.3 CUSTOMER SERVICE AND COMMUNITY RELATIONS

APD constantly works to establish direct contacts with the community we serve. Without grassroots community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency general orders accurately reflect the needs of the community.



### 302.1 PURPOSE AND SCOPE – PUBLIC RECORDING OF OFFICIAL ACTS

The Austin Police Department recognizes that members of the general public have a First Amendment right to video record, photograph, and/or audio record APD officers while they are conducting official business or while acting in an official capacity in any public space, unless such recordings interfere with police activity.

### 326.1 PURPOSE AND SCOPE – NEWS AND MEDIA RELATIONS

The purpose of this order is to seek a balance between permitting the free flow of information to the public and the media while protecting both the prosecution's case and the rights of the accused from possible prejudicial publicity. Public information and positive media relations are an integral part of the operation of any public service agency and APD is no exception. Most citizens have little contact with law enforcement and their opinions of the police are often formed by our Department's portrayal in the media. The release of public information and maintenance of good media relations is a crucial element of APD's mission. Employees must maintain a good rapport with the public and the media and deal with them in a courteous manner. The media has a legitimate function in our society and the public trust of the police can be enhanced through media relations.

APD is committed to informing the community and members of the news media of events that are handled by, or involve, the Department. Employees will cooperate fully in meeting the relevant information needs of the public and the news media. Every reasonable effort should be made to obtain requested information, so long as the release of that information conforms to federal and state laws, and follows established Department guidelines.

### 328.1 PURPOSE AND SCOPE – RACIAL OR BIAS-BASED PROFILING

This order provides guidance to department members and establishes appropriate controls to ensure that members of the Austin Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community.

### 328.2 POLICY – RACIAL OR BIAS-BASED PROFILING

The Department strives to provide law enforcement services to our diverse community while respecting the racial, cultural, or other differences of those we serve. It is the policy and practice of the Department to provide law enforcement services and to enforce the law equally, fairly, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

While the practice of racial or bias-based profiling is strictly prohibited, it is recognized that race or cultural differences may be legitimately considered by an officer in combination with other legitimate factors; to establish reasonable suspicion or probable cause (e.g., subject description



is limited to a specific race or group), to establish relevant elements of a crime (e.g. exploitation of an elderly or disabled individual), or to gather evidence relevant to enhanced punishment due to offenses committed because of bias or prejudice.

900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

900.3.4 PERSONAL CONDUCT

- (c) While on-duty or on the premises of City facilities, employees will not:
  - 2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

***The OPO recommends that this allegation receive an A classification.***



ICMS #: 2020-0928

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“I do have pictures of these offices

Please see below

The blown kiss and smirks/look felt very violating.

Thank you

[REDACTED]

Sent from my iPhone

[REDACTED] personal Austin protest experience: 5.30.2020

I have never been to a protest, I usually post and always send love and thoughts and prayers, but this time I had to do something different. I’ve been lucky to be surrounded by great people, but by being [REDACTED] Austin on [REDACTED] (6 hours) to peacefully protest I encountered something different. I could see the smirks on some of the officers faces as they laughed at my sign when I walked by (my sign said: check the privilege & please don’t kill my son because he’s black). Some officers took 30 minutes of their time to tell me things like:

“you can hold that sign all day it won’t

make a difference”,

“we will always have each other’s back,

“my brothers in uniform die too”,

“your sign doesn’t even make sense”

.....oh and one officer even had the nerve to look me up and down and blow me a kiss.... I got so angry at his insensitivity.... those actions by OUR LOCAL PD make it hard to continue peaceful protests.



There were cops that took the time to acknowledge me with a nod or sense of understanding while working. I am thankful for them. I'm hoping officers take this time to recognize their power and do their part by not staying silent when they see bad happening. These officers are not only training other officers but they are raising their children along side ours.

\*UPDATE: more about my experience & how the others around me took their opportunity to try to distract me from speaking up. There is no reason for an officer to poke at peaceful protestors emotions, I feel that was his intention. Why didn't the officers near by stand up and stop them from belittling my voice/sign at a protest???? Although my message was not accepted by APD that day, I know my actions down there were not without purpose. This message is not so you can feel sorry for me in anyway, but more to show an experience I personally had to those that still do not believe.

While at the protest (pleading with the same officer to just hear me) two young men came up behind me. They started to throw wadded up paper towels at the officers. A young girl and I quickly turned around and asked them to stop as not to hurt us. They seem to get agitated with US and then the young boys begin to belittle the cops based on their physical appearance. We immediately turned around again and told them they were defeating the purpose of our protest and asked them to leave. They cursed at me as they walked away. These young man saw an opportunity to agitate ME and the OFFICERS. Ask yourself what was THEIR reason for of being there? Protesters are there to protest. Believe us. The young men and many others i [REDACTED] violence we [REDACTED] th my same purpose.

I was there to ask for equality with the police system.

I explained we need laws that would address police murders investigations at a federal level not just investigated locally.

I simply asked for them to listen and speak up when you seeing wrong happening.

Things must change. If you are getting tired of seeing or reading about #blacklivesmatter try doing something more donate, educate yourself, protest and be mindful of those around you.

I know I can report it, but why do I have to police my police? There were other police around??? Dear Chief: teach your police See something Say something.

[REDACTED]

#blacklivesmatter

5-30-2020



ICMS #: 2020-0929

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED], complainant, stating as follows:

“Dear Austin Police Oversight,

I need you to insist on the immediate removal of the LRAD 300x noise weapon mounted on top of APD headquarters.

This device is capable of producing permanent hearing damage among other injuries. It was developed for crowd control in war zones. We are not at war. Protesters are not the enemy. Quite often there are children within range of this shameful device that have even more sensitive hearing.

This must be removed and banned from use forever in Austin.

Hearing is precious, and cannot be repaired.

Cheers,

[REDACTED]”



ICMS #: 2020-0930

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED], complainant, stating as follows:

“APD appear to have deployed an LRAD (Long Range Acoustical Device, commonly known as a "sonic cannon") on their building. This weapon causes painful and permanent hearing damage. Like other "less lethal" munitions, these devices are NOT appropriate to use on protesting civilians. After all we've seen of protesters and bystanders being maimed by so-called "riot control" weapons, the police need to DE-ESCALATE. It would be quite easy for trigger-happy police to decide to unleash this weapon at the merest hint of citizen resistance, but just because it isn't lethal does not mean it is a harmless alternative to direct physical violence.

I'm calling on you to have the APD remove these weapons.



ICMS #: 2020-0934

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“Dear Police Oversight,

I need you to insist on the immediate removal of the LRAD noise weapon mounted on top of APD headquarters.

This device is capable of producing permanent hearing damage among other injuries. It was developed for crowd control in war zones. We are not at war. Protesters are not the enemy. Quite often there are CHILDREN within range of this shameful device.

This must be removed and banned from use forever in Austin. I demand to know who authorized this and their justification.

Hearing is precious!

Here is a table showing dB ranges and the injuries they can cause.

[https://\[REDACTED\]](https://[REDACTED])

The device installed atop the [REDACTED] appears to be a LRAD300x model with a dB range of up to 143 dB as show in this product guide.

[http://\[REDACTED\]](http://[REDACTED])

[REDACTED] level this device will immediately and permanently damage peoples hearing.

Signed, [REDACTED]



ICMS #: 2020-0935

June 9, 2020

**Complaint:** The Office of Police Oversight received an email from Austin 3-1-1 regarding an anonymous call. The email stated as follows:

“The caller was demanding the police allow the people to protest without violence. The caller also stated that we will receive these calls every 15 minutes until justice brought to the individuals who have violated their right to protest.”



ICMS #: 2020-0936

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“To whom it may concern,

I need you to insist on the immediate removal of the LRAD 300x noise weapon mounted on top of [REDACTED]s.

This device is capable of producing permanent hearing damage among other injuries. It was developed for crowd control in war zones. We are not at war. Protesters are not the enemy. Quite often there are CHILDREN within range of this shameful device. This “less-than-lethal” riot control measure is completely obscene and inappropriate.

This must be removed and banned from use forever in Austin. I demand to know who authorized this and their justification.

Hearing is precious!

Regards,

[REDACTED]”



ICMS #: 2020-0939

June 9, 2020

**Complaint:** The Office of Police Oversight received a phone complaint from [REDACTED] [REDACTED] stating as follows:

“I saw a video of [REDACTED] and his limp body. I’m so horrified by these actions. I want you to do everything in your power to bring these officers to justice and disband the Austin Police Department.”



ICMS #: 2020-0940

June 9, 2020

**Complaint:** The Office of Police Oversight received a phone complaint from [REDACTED] stating as follows:

“I am absolutely disgusted, obviously, with the events happening around the world. I work in in a few different states and Texas is one of them, and to just continuously hear these things happening, especially a pregnant woman being shot in the back and in the stomach. Regardless of what it was, less-lethal ammunition is meant to be shot at the ground and then bounce back, not directly at someone. She could have lost her baby. There’s so many things that are just so wrong with that. I just felt like I needed to use my voice to say something and file an actual complaint in hopes that things would actually start to change. I think things need to happen in unity right now and the fact of an unborn child potentially losing their life. A black unborn child. It’s a lot. It’s a lot...I value police officers also. When someone breaks into my home, who am I going to call? When I feel endangered, who am I going to call? But the fact that my safety does not feel fully there...my boyfriend is Black, my boyfriend’s dad is Black, my future kids will be Black.”



ICMS #: 2020-0941

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

To whom it may concern,

I saw Council Member Kathie Tovo's post about sending videos from this past week of protests. Please find at this link (too large to send over email) the videos that show the response by local ADP (and I've attached the most egregious to this email where you see officers indiscriminately macing people and shoving a woman in a medical boot).

No warnings were given to disperse nor was the amount of time we had to disperse provided - which is required by law. Despite the protestors standing there with their hands in the air, showing no threat, we were shoved, maced, pushed, arrested and shot at with rubber bullets. I do not have a video of the latter given I was trying to run away and not get shot in the face like other protestor videos/photos I've seen floating around. This is absolutely despicable behavior and an abuse of power.

I am no longer proud to live in the city of Austin, and I'm extremely disappointed that nothing has been done to rectify this. I no longer feel safe in this city, because of the police, and feel those in charge must be held responsible and replaced. I have seen an increase in police patrol around my apartment downtown, the AMLI on 2nd, and it's feeling more and more like a police state.

Working for a major tech company, I will be sharing these videos with our leadership. Our company employs over 5K people in Austin, and with the announcement around remote work, it may be that our employees leave in droves to cities that actually care about people of color. Our company will have a harder time recruiting talent if this is the culture you let continue. I would like to see 8CantWait policies implemented, and those who have misused their power replaced with people who can actually uphold them.

Sincerely,

[REDACTED]

*This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order to determine if the employee conduct is within compliance of APD policy, Civil Service Rules, and Municipal Civil Service Rules.*



ICMS #: 2020-0942

June 9, 2020

**Complaint:** The Office of Police Oversight received an email complaint from [REDACTED] stating as follows:

“Dear Austin Police Oversight committee,

I write to you today pleading that the APD takes the necessary steps to eliminate excessive and deadly use of force.

I saw the video of APD shooting into a crowd of medics and protesters that were attempting to help someone who had been also shot at by some sort of "less lethal projectile" as it was described in the video caption.

I am concerned because my family lives in Austin (I have moved away but still visit regularly and always consider it my home). They are on the frontlines of peaceful protests in the name of justice for those who have lost their lives at the hands of police excessive use of force. I love them and I love Austin, and I know whoever is reading this email wants peace and justice, too. In order for that to occur, myself and many others believe that the following steps must be swiftly taken.

Please consider my plea for the APD to;

- require de-escalation
- Ban chokeholds and strangleholds
- Restrict shooting at moving vehicles
- Require that all other means are exhausted before shooting
- Require comprehensive reporting

Thank you for your consideration of our collective concerns, as those who are peacefully protesting.

Kind regards,

[REDACTED]”



ICMS #: 2020-0943

June 9, 2020

**Complaint:** The Office of Police Oversight received a phone complaint from [REDACTED] [REDACTED] complainant, stating that this incident occurred sometime between [REDACTED]. The complainant states that she was visiting Austin from Michigan and was walking near the protest, on other side of street from [REDACTED], and saw mace being sprayed and turned back to walk towards car. She states that, as she was walking, she got hit in the back of the arm and her arm is now infected. She states that she went to the ER and she has a huge arm mass that the doctor said will probably never go away. She states that she is not sure if it was a rubber bullet or a bean bag and is assuming it was rubber bullet.



ICMS #: 2020-0944

June 9, 2020

**Complaint:** The Office of Police Oversight received an online complaint from [REDACTED] stating as follows:

“I would like to know when the officers who shot the 16yr old child and the 20 yr old young man during the protest causing brain damage in both be fired and arrested as they should what they did to the 16 yr old child is disgusting and unacceptable”



ICMS #: 2020-0948

June 9, 2020

**Complaint:** The Office of Police Oversight received an anonymous phone complaint stating as follows:

“I want the officers who shot and killed Michael Ramos to be fired and charged. I also want APD to stop hurting and killing people. They are here to protect and serve and they haven’t done a good job doing that.”



ICMS #: 2020-0949

June 9, 2020

**Complaint:** The Office of Police Oversight received a phone complaint from [REDACTED] stating as follows:

“APD has failed the residents of Austin. They are killing unarmed people, Michael Ramos being one of them.”



**Complaint:** *This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order to determine if the employee conduct is within compliance of APD policy, Civil Service Rules, and Municipal Civil Service Rules.*

**Recommended Administrative Policies to Review (to include but not limited to):**

**105 PURPOSE AND SCOPE – COMMUNITY POLICING**

The purpose of this general order is to identify the tenets of Community Policing, which serves as the basis for this Department's mission and guiding principles. Community Policing is beyond a philosophy, it is a practice. The Austin Police Department is committed to Community Policing which strives to build mutual respect, collaborative partnerships, fair and impartial policing, and procedurally just behavior with the community that we serve. The Department's goal is to have an understanding of the traditions, culture, and history of the neighborhoods in which they serve in order to develop proactive solutions to problems and increase overall trust in policing. Likewise, the Department is required to provide information and training to the community so community members gain an understanding of police practices and procedures, as well as an understanding of the traditions and culture of law enforcement.

**200.2 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS**

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques to reduce the likelihood for force and increase the likelihood of voluntary compliance. Nothing in this de-escalation policy requires an officer to place themselves in harm's way to attempt to de-escalate a situation. Recognizing that circumstances may rapidly change, officers may need to abandon de-escalation efforts after they have commenced. Understanding that no policy can realistically predict every situation an officer might encounter, the Department recognizes that each officer must be entrusted with well-reasoned discretion in determining the reasonable de-escalation techniques to use in a situation. This de-escalation policy is intended to complement, not replace or supersede, other portions of the APD Policy Manual or specific officer training that addresses de-escalation.

**200.2.1 ASSESMENT 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.

**200.3 RESPONSE TO RESISTANCE**

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

**200.3.1 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE**



Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.

#### 206.4 CHEMICAL AGENT GUIDELINES

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##### 206.4.3 TREATMENT FOR CHEMICAL AGENT EXPOSURE

Subjects who have been affected by the use of chemical agents should be afforded means of cleansing the affected areas as soon as practicable. Those subjects who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

##### 206.5.5 SHOT PLACEMENT AND DEPLOYMENT DISTANCES

Officers should generally follow their training instructions regarding minimum deployment distances and target areas. The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

The head and neck should not be intentionally targeted, however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death to officers or others.

#### 300.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Tex. Penal Code § 42.03 (Obstructing Highway or Other Passageway), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.



### 301.1 PURPOSE AND SCOPE – RESPONSIBILITY TO THE COMMUNITY

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### 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.

### 301.3 CUSTOMER SERVICE AND COMMUNITY RELATIONS

APD constantly works to establish direct contacts with the community we serve. Without grassroots community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency general orders accurately reflect the needs of the community.

### 302.1 PURPOSE AND SCOPE – PUBLIC RECORDING OF OFFICIAL ACTS

The Austin Police Department recognizes that members of the general public have a First Amendment right to video record, photograph, and/or audio record APD officers while they are conducting official business or while acting in an official capacity in any public space, unless such recordings interfere with police activity.

### 326.1 PURPOSE AND SCOPE – NEWS AND MEDIA RELATIONS

The purpose of this order is to seek a balance between permitting the free flow of information to the public and the media while protecting both the prosecution's case and the rights of the accused from possible prejudicial publicity. Public information and positive media relations are an integral part of the operation of any public service agency and APD is no exception. Most citizens have little contact with law enforcement and their opinions of the police are often formed by our Department's portrayal in the media. The release of public information and maintenance of good media relations is a crucial element of APD's mission. Employees must maintain a good rapport with the public and the media and deal with them in a courteous manner. The media has a legitimate function in our society and the public trust of the police can be enhanced through media relations.

APD is committed to informing the community and members of the news media of events that are handled by, or involve, the Department. Employees will cooperate fully in meeting the relevant information needs of the public and the news media. Every reasonable effort should be



made to obtain requested information, so long as the release of that information conforms to federal and state laws, and follows established Department guidelines.

### 328.1 PURPOSE AND SCOPE – RACIAL OR BIAS-BASED PROFILING

This order provides guidance to department members and establishes appropriate controls to ensure that members of the Austin Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community.

### 328.2 POLICY – RACIAL OR BIAS-BASED PROFILING

The Department strives to provide law enforcement services to our diverse community while respecting the racial, cultural, or other differences of those we serve. It is the policy and practice of the Department to provide law enforcement services and to enforce the law equally, fairly, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

While the practice of racial or bias-based profiling is strictly prohibited, it is recognized that race or cultural differences may be legitimately considered by an officer in combination with other legitimate factors; to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group), to establish relevant elements of a crime (e.g. exploitation of an elderly or disabled individual), or to gather evidence relevant to enhanced punishment due to offenses committed because of bias or prejudice.

### 900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

### 900.3.2 ACTS BRINGING DISCREDIT UPON THE DEPARTMENT

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

### 900.3.4 PERSONAL CONDUCT

- (c) While on-duty or on the premises of City facilities, employees will not:
  - 2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

***The OPO recommends that this allegation receive an A classification.***