



City of Austin

2018 Officer-Involved Shooting Report

June 2020



OFFICE OF
POLICE OVERSIGHT

TABLE OF CONTENTS

INTRODUCTION	1
EXECUTIVE SUMMARY	2
OFFICER-INVOLVED SHOOTING DATA	3-9
INCIDENT SUMMARIES	10-18
Incident A- Christopher Giles	
Incident B- Thomas Vincent Alvarez	
Incident C- Victor Ancira	
Incident D- Kyle Garcia	
Incident E- Mark Anthony Conditt	
Incident F- Hugo Renee Alvarez (1st Incident)	
Incident G- Hugo Renee Alvarez (2nd Incident)	
Incident H- Leslie Yolanda Salazar	
Incident I- Craig Anthony Carter	
Incident J- Aquantis Jaymond Griffin	
Incident K- Glenn Austin Miles	
Incident L- Mark Anthony Herrera	
CONCLUSION	19
RECOMMENDATIONS	20 -23
Civilian Oversight Access	
Reporting by Austin Police Department	
Post-Academy Training Requirements	
Mental Health Response	
Personnel Safety and Wellness	
APPENDIX	24-27

INTRODUCTION

In November 2018, the Office of Police Oversight was established as the civilian department responsible for oversight of the Austin Police Department, replacing the Office of the Police Monitor. The Office of Police Oversight's inaugural Officer-Involved Shooting Report is the first by either civilian office that is dedicated to the subject of officer-involved shootings.

The Austin Police Department (APD) released a [report](#) in May 2018 with collective data related to officer-involved shootings that occurred between 2008 and 2017.¹ This report by the Office of Police Oversight goes a step further by providing data from all 2018 officer-involved shooting incidents, summaries of each incident, and relevant policy recommendations.

Both law enforcement and civilian oversight agencies must critically analyze each officer-involved shooting incident that occurs and must also look at the aggregate data to determine what substantive policy changes can be made to address areas of concern.

The mission of the Office of Police Oversight is to provide impartial oversight of the Austin Police Department's conduct, practices, and policies to enhance accountability, inform the public to increase transparency, and create sustainable partnerships throughout the community. This report serves as a new avenue for the public to access critical incident data necessary to ensure transparency and accountability.

Special thanks to the Office of Police Oversight staff, as well as students from the University of Texas at Austin School of Law, for their editing contributions and research discussed in this report.

¹ APD's officer-involved shooting report is available at <https://www.austintexas.gov/page/officer-involved-shooting-reports>

EXECUTIVE SUMMARY

The Office of Police Oversight reviewed every officer-involved shooting (OIS) incident involving the Austin Police Department (APD) in 2018 to identify any recurring factors and highlight areas for improvement.² This report provides summaries of each incident, presents incident-specific and officer-specific data, and offers the Austin Police Department recommendations in identified areas of concern. In summary:

- **There were 12 OIS incidents involving APD in 2018.**
 - These 12 incidents involved 11 individuals and 33 police officers.³
 - Of the 12 incidents, 11 occurred within Austin city limits and one occurred in Round Rock.⁴
- **8 of the 12 incidents in 2018 involved ethnic minorities.**
 - 6 incidents involved Hispanic/Latinx males; 1 involved a Hispanic/Latinx female, 1 involved a Black/African American male, and 4 involved Caucasian/White males.⁵
- **7 of the 12 incidents were fatal.**
 - 5 were determined to be fatalities caused by police. All 5 fatalities caused by police involved ethnic minorities.
 - 2 of these fatal incidents were determined to be suicide.
- **5 of the 12 incidents occurred in Austin City Council District 2, the borders of which closely align with those of APD's Frank sector. District 2 and Frank sector are both located in southeast Austin.**
 - 3 of the 5 fatalities caused by police in 2018 occurred in District 2.
 - All 5 fatalities caused by police occurred in central, east, or southeast Austin.
- **25 of the 33 involved officers had 6 or fewer years of APD experience at the time of their involvement in an officer-involved shooting incident.**
- **Involved officers used "less-lethal" force⁶ before firearms in only one incident.**
- **At least half of the incidents involved a mental health component.⁷**

² Officer-involved shooting incidents are defined in this report as those in which officers intentionally fired their firearms toward an individual. This number represents the total number of unique, separate incidents that occurred in 2018. This report designates 12 distinct incidents involving 11 individuals. One individual, Hugo Alvarez, was involved in two separate incidents on the same day.

³ This report uses the words "individual" or "individuals" to refer to those persons who were shot or shot at by APD officers. The officers involved in these incidents are referred to as "officer," "involved officer," or plurals of the same.

⁴ The incident in Round Rock involved Mark Anthony Conditt, the individual responsible for a series of bombings that occurred in Austin in March 2018.

⁵ In the remainder of the report, Hispanic/Latinx individuals will be referred to as Latinx, Black/African American individuals will be referred to as Black, and Caucasian/White individuals will be referred to as White.

⁶ "Less-lethal" force can be an alternative to deadly force and includes options such as pepper spray, K-9s (police dogs), TASER devices, and beanbag rounds. "Less-lethal" weaponry used in 2018 incidents included beanbag rounds and TASERS.

⁷ Incidents involving a mental health component are those in which APD had information, either before or after an incident, related to the involved individual's mental health history. Examples of this information include, but are not limited to, the following: (1) APD records with an "EDP" (emotionally disturbed person) notation, (2) APD records showing prior emergency detentions or "EDP" interventions; (3) statements from 911 callers about an individual's mental health; (4) statements from an individual's family about the individual's mental health.

OFFICER-INVOLVED SHOOTING INCIDENT DATA

Fatalities

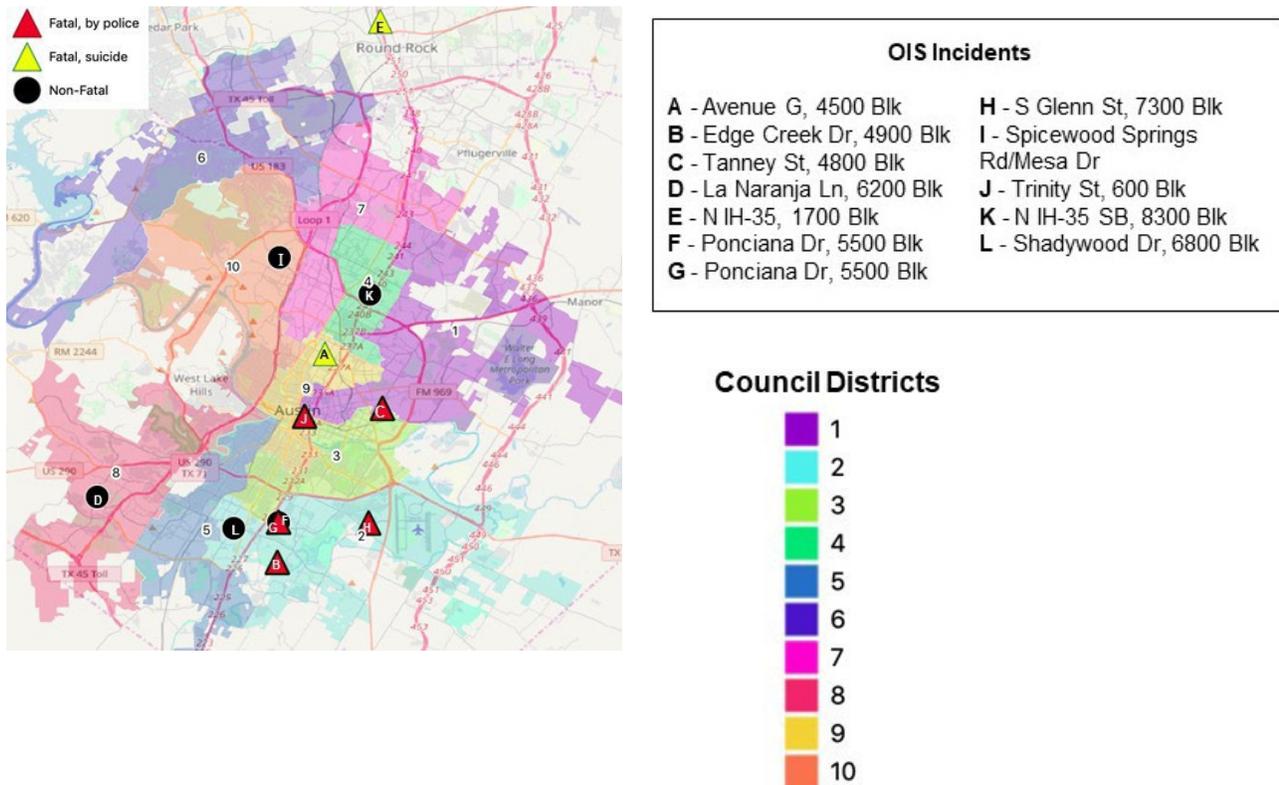
Of the 12 officer-involved shooting incidents in 2018, 7 were fatal and 5 were non-fatal.⁸

- 2 of the 7 fatal incidents were determined by the Travis County Medical Examiner’s Office (ME) to be suicides caused by self-inflicted wounds.
- The remaining fatal incidents were determined by the Travis County Medical Examiner’s Office to be homicides caused by gunshot wounds. The ME’s reports along with ballistics reports showed that the fatalities were caused by police.

Geographic Location of Incidents

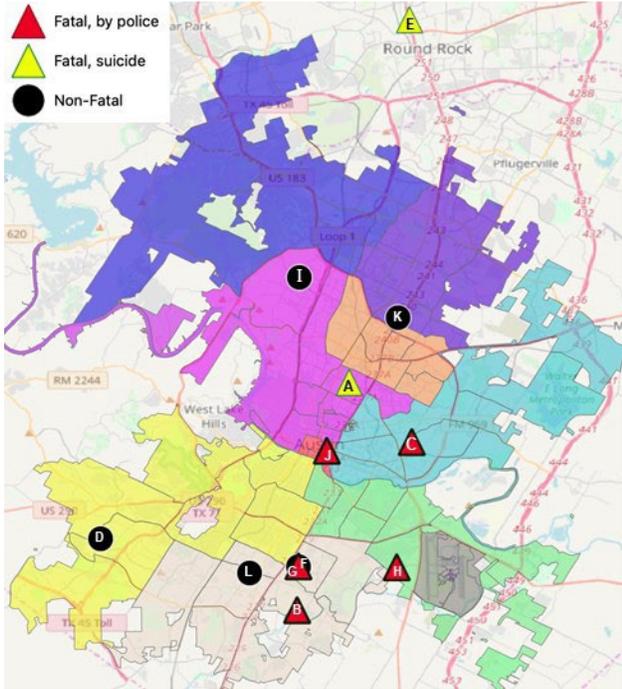
This section of the report provides data on the geographic location of each officer-involved shooting (OIS) incident in relation to both Austin City Council District and APD Sector. While City Council Districts are not directly correlated to APD Sectors, they share some overlapping borders (See Figures 1 and 2). The following analysis shows that the southeast region of Austin experienced the highest concentration of OIS incidents in 2018, and all fatal incidents caused by police took place in central, east, or southeast Austin.

Figure 1: Map of 2018 Incidents in Relation to Austin City Council Districts



⁸ This report defines fatal incidents as ones in which an individual died. This category of incidents is further divided into two subsets distinguished by the cause of death: (1) self-inflicted wounds and (2) fatalities caused by police. Non-fatal incidents are defined as those in which no individual died.

Figure 2: Map of 2018 Incidents in Relation to Austin Police Department Sectors



OIS Incidents

- | | |
|------------------------------------|---|
| A - Avenue G, 4500 Blk | H - S Glenn St, 7300 Blk |
| B - Edge Creek Dr, 4900 Blk | I - Spicewood Springs Rd/Mesa Dr |
| C - Tanney St, 4800 Blk | J - Trinity St, 600 Blk |
| D - La Naranja Ln, 6200 Blk | K - N IH-35 SB, 8300 Blk |
| E - N IH-35, 1700 Blk | L - Shadywood Dr, 6800 Blk |
| F - Ponciana Dr, 5500 Blk | |
| G - Ponciana Dr, 5500 Blk | |

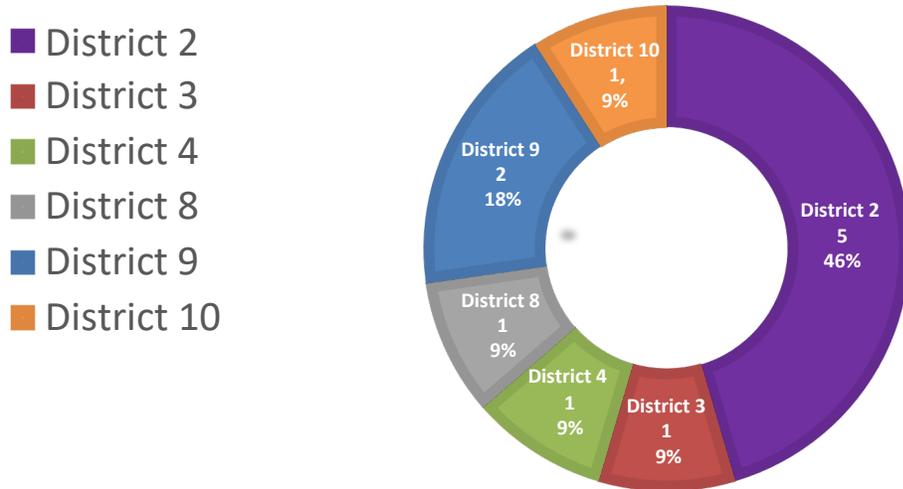
Police Sectors

- ADAM
- APT (AIRPORT)
- BAKER
- CHARLIE
- DAVID
- EDWARD
- FRANK
- GEORGE
- HENRY
- IDA

Location in Relation to Austin City Council Districts

Austin City Council District 2, located in southeast Austin, was the district with the highest concentration of officer-involved shooting (OIS) incidents in 2018, with a total of 5 OIS incidents. In addition, 3 of the 5 fatalities caused by police took place in District 2. The number of incidents that took place in District 2 was more than double that of the district with the next highest concentration. The council district with the next highest concentration of incidents was District 9, located in central Austin/Downtown, which had 2 incidents.

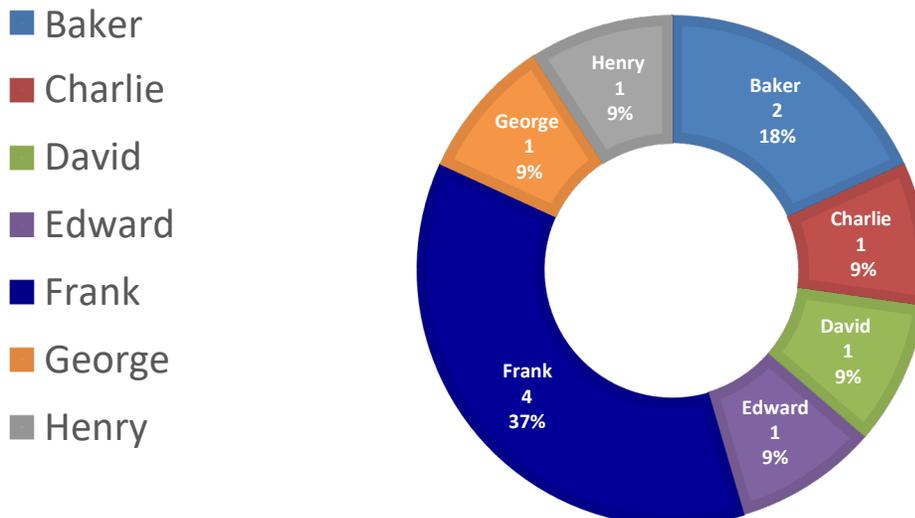
CHART 1: CITY COUNCIL DISTRICTS WHERE INCIDENTS OCCURRED



Location in Relation to Austin Police Department Sectors

APD's Frank sector, also located in southeast Austin, had a total of 4 officer-involved shooting incidents in 2018, making it the sector with the highest concentration of incidents. Moreover, 2 of the 5 fatalities caused by police took place in APD's Frank sector. The APD sector with the next highest concentration of incidents was Baker sector, which covers the central west area of Austin and had 2 incidents.

CHART 2: APD SECTORS WHERE INCIDENTS OCCURRED



Time of Day When Incidents Occurred

Of the 12 officer-involved shooting incidents, 9 occurred in the late evening to early morning hours between 11 PM – 5 AM.

Demographic Information of Individuals Involved

Gender and Ethnicity

- 8 of the 12 incidents involved ethnic minorities.
 - 6 incidents involved Latinx males; 1 incident involved a Latinx female; 1 incident involved a Black male
- 4 incidents involved White males
- Of the 12 officer-involved shooting incidents, 5 resulted in fatalities. Only ethnic minorities were involved in fatal incidents.
 - 3 fatalities involved Latinx males
 - 1 fatality involved a Latinx female
 - 1 fatality involved a Black male

Age

Of the 12 incidents, 8 involved individuals between 20-28 years of age; all other individuals were over 45 years old.

Origin of Incidents

Of the 12 officer-involved shooting incidents in 2018, 10 originated as calls for service.⁹ All incidents where the cause of death was fatalities caused by police originated as calls for service; none were planned encounters.

Planned encounters refer to incidents in which police contacted an individual after conducting surveillance or otherwise engaging in law enforcement activity that made officers aware of the individual's location. In the case of a planned encounter, officers would have engaged in some sort of preparatory work prior to arriving on scene and would have anticipated encountering the individual involved.

⁹ Calls for service may include calls to 911 for emergency assistance or calls to 311, the non-emergency number.

Incidents with Mental Health Components

Incidents involving a mental health component are those in which APD had information, either before or after an incident, related to the involved individual's mental health history. Examples of this information include, but are not limited to, the following: (1) APD records with an "EDP" (emotionally disturbed person) notation, (2) APD records showing prior emergency detentions or "EDP" interventions; (3) statements from 911 callers about an individual's mental health; (4) statements from an individual's family about the individual's mental health.

- At least half of the OIS incidents in 2018 involved a mental health component.
- 2 of the 5 fatal OIS incidents involved a mental health component.

Presence of Weapons

- 10 of the 12 officer-involved shooting incidents involved an individual observed to be armed with a weapon at the time of the shooting. Weapons in these incidents included firearms, knives, pickaxes, and improvised explosive devices/bombs.
- 4 of the 5 fatalities caused by police involved an individual who was armed at the time of the shooting.
- 1 of the 5 fatalities caused by police involved an individual who was not armed at the time of the shooting.

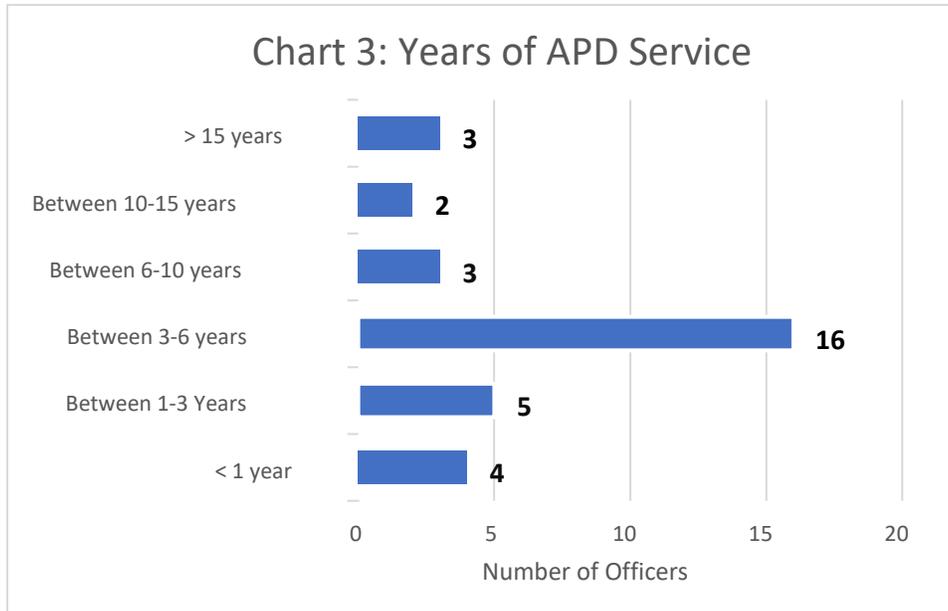
Use of "Less-Lethal" Force

In only 1 of the 12 incidents did officers use "less-lethal" force before using their firearms. "Less-lethal" force can be an alternative to deadly force and includes options such as pepper spray, K-9s, TASER devices, and beanbag rounds. "Less-lethal" weaponry used in 2018 incidents included beanbag rounds and TASERs.

Officer Experience Level and Rank

OIS incidents in 2018 involved 33 different officers. Out of the 33 officers involved, 25 officers had 6 or fewer years of APD experience.¹⁰ Of these 25 officers, 16 had between 3-6 years of APD experience, 5 had between 1-3 years of experience, and 4 had less than one year of experience with APD.

Of the 33 officers involved, 32 held the rank of Officer. One held the rank of Sergeant.¹¹



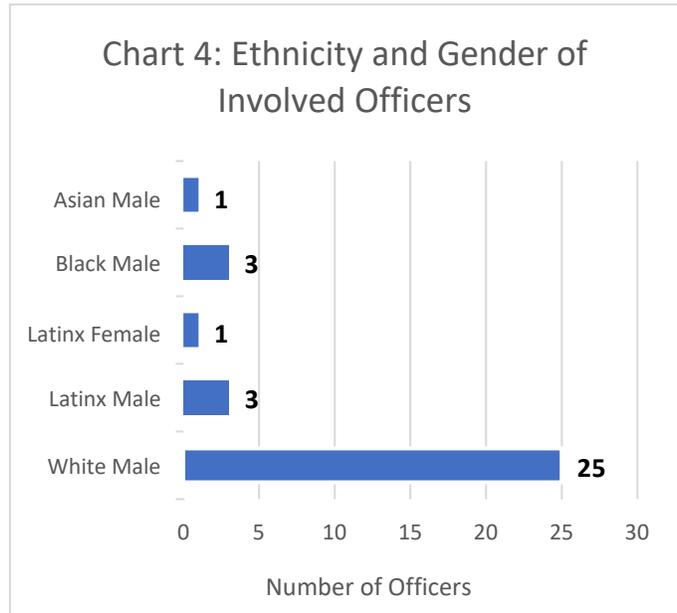
¹⁰ Rank and APD experience is calculated based upon the date of each respective incident.

¹¹ Within the Austin Police Department's chain of command structure, sergeants serve as officers' supervisors.

Demographic Information of Involved Officers

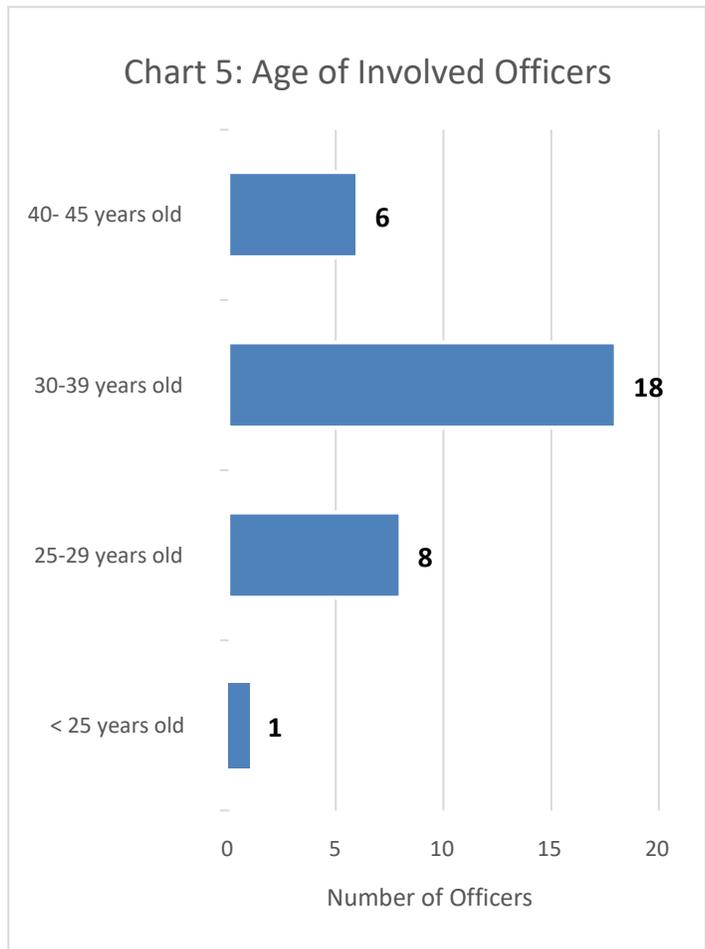
Gender and Ethnicity

Of the 33 involved officers, 25 were White males.



Age

Of the 33 involved officers, 18 were between 30-39 years of age at the time of the incident in which they were involved.



Prior Involvement in OIS Incidents

Of the 33 officers who were involved in officer-involved shootings (OIS) incidents in 2018, 3 had been involved in at least 1 prior OIS incident.

- 1 officer had been involved in 2 prior incidents.

INCIDENT SUMMARIES

This section of the report provides summaries of each officer-involved shooting involving APD officers in 2018. Each incident is labeled with the name of the individual involved and has been assigned a letter, which corresponds with the labeling on the maps provided in Figures 1-2 in the previous section. The incidents are in chronological order.

Incident A - Christopher Eric Giles

At around 3:40 AM on January 26, 2018, APD officers responded to a burglary “hot shot call” on the 4500 block of Avenue G.¹² Officers were notified by dispatch that someone had broken into the callers’ home and that the callers heard gunshots and were hiding in the closet. Two officers—Officer Jackson and Officer Abbott—arrived first to the scene and observed a man walking from the callers’ residence toward an older black vehicle parked in the driveway. The man, later identified as Christopher Giles (23/White/Male), got into the vehicle and began backing out of the driveway. Officers began giving commands and Mr. Giles appeared to stop. Shortly thereafter, Mr. Giles fired a shot from inside his vehicle. Both officers on the scene reportedly attempted to return fire, but Officer Abbott experienced a weapon malfunction and was unable to do so. Officer Jackson, however, did fire his weapon multiple times, hitting Mr. Giles’ vehicle various times and causing gunshot wounds to Mr. Giles’ left arm.

Mr. Giles, who reportedly had a history of mental health issues, was later determined to be the person who had broken into the callers’ home, having gained entry by through the glass back door of the residence.

APD’s Forensic Science Services Division found evidence consistent with the conclusion that 10 shots were fired by police during this incident.

The Travis County Medical Examiner ruled Mr. Giles’ death a suicide, finding a gunshot wound to his head with evidence that the shot was fired at “contact range.” The Medical Examiner also found two gunshot wounds to Mr. Giles’ left arm.

The Travis County District Attorney reviewed the incident and declined to file charges against the officer involved. The declination letter can be found [here](#).¹³

¹² The Austin Police Department General Orders define “hotshot calls” as incidents “involving physical harm or injury to a person or property” and that are “in progress and/or all involved parties are still on scene.” Austin Police Department’s General Orders can be found at https://www.austintexas.gov/sites/default/files/files/Police/General_Orders.pdf

¹³ All available declination letters from the Travis County District Attorney’s Office can be found at <https://www.traviscountytexas.gov/district-attorney/office-divisions/civil-rights/cru>.

Incident B - Thomas Vincent Alvarez

On February 19, 2018, APD officers responded to the 4800 block of Nuckols Crossing Road after 911 received a call at around 5:31 PM from a woman who was concerned because her female roommate was on her way to their residence and had told her that a male roommate, later identified as Thomas Vincent Alvarez (23/Latinx/Male), was following her there. Through dispatch, officers were notified that Mr. Alvarez might be under the influence of drugs and that he had just had an altercation with another male roommate earlier that day during which he “had roommates hostage...and wouldn’t let them leave...they had to escape.” While the woman was still on the phone with dispatch, Mr. Alvarez arrived at the residence in a taxi. Due to the circumstances of the call, dispatch changed the type of call from a “Disturbance Other” to “Disturbance HS.”¹⁴

Officer Cardenas arrived on the scene while Mr. Alvarez was still in front of the residence in the taxi. After being told by dispatch that Mr. Alvarez was possibly armed, Officer Cardenas approached the taxi with his firearm drawn and gave commands to both Mr. Alvarez and the driver. The taxi driver exited the vehicle, but Mr. Alvarez did not comply with the commands and instead climbed into the driver’s seat and began driving away from the scene in the taxi.

Mr. Alvarez continued driving for roughly three miles with police following behind him. Mr. Alvarez was given commands to pull over and exit the taxi, but he did not comply. The pursuit eventually ended in front of a gated community in the 4900 block of Edge Creek Drive. There, Mr. Alvarez opened the driver’s side door of the taxi, and police observed him holding a firearm.

Shortly after opening the door, Mr. Alvarez closed it again, at which point police surrounded the taxi and began talking to Mr. Alvarez through Corporal Burnsed, a trained hostage negotiator. Negotiations reportedly continued for 40 minutes.

At some point, Corporal Burnsed said over the radio that Mr. Alvarez was pointing his firearm at officers, which led to officers firing at the vehicle. After this, officers still observed Mr. Alvarez moving in the vehicle, and he again displayed the gun out the window of the taxi toward officers. At this point, SWAT officers had arrived on the scene and the second round of shots were fired toward Mr. Alvarez in the taxi. SWAT eventually took over the scene and the third round of shots were fired after officers again observed movement and the weapon. APD recovered 83 fired casings from the scene.

This incident was fatal and the Travis County Medical Examiner ruled Mr. Alvarez’s death a homicide, stating that the cause of death was multiple gunshot wounds. Seven officers—Rogers, Wright, Oborski, Henion, Gebhart, Rosales, and Brady—discharged their firearms during this incident. APD documented 60-70 defects on Mr. Alvarez’s body with an estimated 15-16 perforating gunshot wounds.

The Travis County District Attorney reviewed the incident and declined to file charges against the officers involved. The declination letter can be found [here](#).

¹⁴ HS is an abbreviated reference to a “hotshot” call.

Incident C - Victor Sanchez Ancira

At around 4:17 AM on March 7, 2018, APD officers were dispatched to the 4800 block of Tanney Street after a man, later identified as Victor Ancira (46/Latinx/Male), called 911 stating that he had just killed his father and brother¹⁵.

Mr. Ancira had a mental health history that included schizoaffective and bipolar disorder. When officers arrived on the scene, they saw him sitting in a folding chair in the middle of the street holding a pickaxe in his hand. Officers then observed Mr. Ancira stand up and begin pacing with the pickaxe still in hand.

After Mr. Ancira did not comply with verbal commands, officers elected to use “less-lethal” weaponry to attempt to disarm him, and seven “less-lethal” beanbag rounds were deployed. Mr. Ancira continued to move from the street back toward the residence while carrying the pickaxe and using the chair as a shield. At one point, after being hit with rounds from the “less-lethal” beanbag shotgun, Mr. Ancira dropped the folding chair but continued holding the pickaxe.

During this incident, officers also deployed three TASER cartridges. After the TASER cartridges were deployed, Mr. Ancira grabbed the pickaxe with both hands, and officers subsequently fired at him. Five officers—Smart, Skeen, Rowland, Johns, and McCulloch—fired 32 rounds during this incident, including 22 9mm rounds, 5 shotgun rounds, and 5 rifle rounds.

This incident was fatal and the Travis County Medical Examiner ruled Mr. Ancira’s death a homicide, stating that the cause of death was gunshot wounds.

The Travis County District Attorney reviewed the incident and declined to file charges against the officers involved. The declination letter can be found [here](#).

Incident D - Kyle Garcia

At around 12:31 AM on March 12, 2018, APD officers responded to a “gun hotshot” call on the 6200 block of La Naranja Lane after learning that a woman had called 911 stating that her son, Kyle Garcia (24/Latinx/Male), was intoxicated and was threatening his father with a gun. Mr. Garcia’s father reportedly barricaded himself in the master bedroom after Mr. Garcia chased him there while threatening him with the gun. While his father was barricaded in the bedroom, Mr. Garcia reportedly stabbed the door of the bedroom with a knife and fired shots through the door several times.

At some point, Mr. Garcia reportedly put the gun down and his father was able to exit the bedroom and eventually join Mr. Garcia’s mother and the police outside.

Ultimately, Mr. Garcia opened the front door and fired at officers. Officers returned fire and Mr. Garcia subsequently retreated into the residence. He reemerged sometime later and

¹⁵ After the incident, it was discovered that Mr. Ancira’s father and brother were inside the residence and were alive and unharmed. An apparent suicide note was also recovered from the scene.

surrendered to police. This incident was not fatal, but Mr. Garcia did suffer three gunshot wounds to his left leg and arm.

Two officers—Turner and Bittner—fired seven shots at Mr. Garcia during this incident. The Travis County District Attorney reviewed the incident and declined to file charges against the officers involved. The declination letter can be found [here](#).¹⁶

Incident E - Mark Anthony Conditt

In March 2018, a series of bombings took place throughout Austin, killing two people and injuring several others. Law enforcement officials discovered the identity of the bomber, Mark Anthony Conditt (23/White/Male) after tracing packages he had sent via FedEx. This and other investigative efforts led to a federal warrant and complaint being issued for Mr. Conditt, charging him with Unlawful Possession and Transfer of a Destructive Device. On March 21, 2018, the day after the warrant was issued, law enforcement officials, including APD's Special Weapons and Tactics (SWAT) team and members of the Lone Star Fugitive Task Force, executed a plan to make contact with Mr. Conditt.

At around 1 AM on March 21, law enforcement officials located Mr. Conditt at a hotel in Round Rock. Members of APD's SWAT team began following him as he drove southbound on the IH-35 frontage road. SWAT vehicles eventually closed in on Mr. Conditt's vehicle and conducted a vehicle assault, forcing him to drive into a grass-filled median in the 1700 block of the N IH-35 frontage road. SWAT officers subsequently exited their vehicles and surrounded Mr. Conditt's vehicle. Officers then attempted to break one of the front windows of Mr. Conditt's vehicle, and shortly thereafter Mr. Conditt detonated an explosive device he had with him. This caused an explosion, which pushed officers backward. One SWAT officer, Officer Garcia, fired his weapon at Mr. Conditt shortly after Mr. Conditt detonated the device.

The Travis County Medical Examiner ruled Mr. Conditt's death a suicide caused by wounds from the shrapnel from the device he detonated. As a result, while this was a fatal incident, the cause of death was not police fire.

The Williamson County District Attorney presented this case to a grand jury to determine whether charges should be brought against Officer Garcia.¹⁷ The grand jury ultimately decided not to charge Officer Garcia.

¹⁶ The Travis County District Attorney website currently has a two-page declination letter with limited details, citing ongoing criminal proceedings.

¹⁷ This case was handled by Williamson County because the incident occurred in Round Rock, Williamson County.

Incident F - Hugo Renee Alvarez (1st Incident)

At around 10:50 PM on March 25, 2018, APD officers responded to the 5500 block of Ponciana Drive after 911 received calls from a man, later identified as Hugo Renee Alvarez (28/Latinx/ Male), requesting police and then hanging up the phone.

Three officers responded to the address and initially contacted residents of the neighboring home by mistake due to confusion about the address. When officers were redirected to the correct home, they knocked on the front door three separate times with no response. One of the officers on the scene, Officer Taveras, had recently graduated from the APD Training Academy and was on the scene with her assigned field training officer, Officer Sakamoto. After some discussion about what to do next, officers decided to ask dispatch to try to contact the caller again by phone. When the caller did not answer, officers continued looking around the perimeter of the house and into the front windows for a few minutes before turning to walk away. As officers began walking away, three shots were fired from inside the residence.

Upon hearing the gunshots, officers began running for cover. A fourth shot was then fired from inside the residence, after which Officer Taveras fired her weapon toward the house. Two more shots were subsequently fired from inside the residence.

The incident was the first of two involving Mr. Alvarez on March 25 and was not fatal, nor did it result in any injuries to Mr. Alvarez. However, this incident led to a separate officer-involved shooting incident (discussed below) a few hours later involving APD's SWAT team.

The Travis County District Attorney submitted this case to a grand jury to determine whether Officer Taveras should be indicted and charged with crimes in relation to this incident. The grand jury ultimately decided not to charge Officer Taveras.

Incident G - Hugo Renee Alvarez (2nd Incident)

At around 11:42 PM on March 25, 2018, APD's SWAT team responded to the 5500 block of Ponciana Drive after being paged when other officers reported being shot at from inside the residence they had responded to during a call for service.

When SWAT officers arrived on the scene, they positioned themselves around the home and attempted to communicate with residents inside through a PA system on one of their armored vehicles.

While on the scene, officers heard several gunshots inside the residence and heard a loud bang followed by a woman screaming. Officers continued to make announcements over the PA system, including requests for Mr. Alvarez to come out. Eventually, five adults and four children exited the residence and reportedly informed officers that there was no one else inside.

Members of the SWAT team then deployed a robot to breach the front door of the residence. Moments later, officers radioed that Mr. Alvarez had a hostage and was coming out the front door. The person identified in the radio broadcast as the "hostage" was Mr. Alvarez's mother.

Seconds after Mr. Alvarez exited the house, a sniper with APD's SWAT team, Officer Judd, fatally shot Mr. Alvarez. After this incident, APD confirmed that Mr. Alvarez was not armed when he exited the house with his mother, having left the gun on the floor before exiting. Reports indicate that APD was aware of the possibility that Mr. Alvarez had left his firearm inside the residence before exiting with his mother.

This incident was fatal and the Travis County Medical Examiner ruled Mr. Alvarez's death a homicide, stating that the cause of death was gunshot wounds. The Travis County District Attorney submitted this case to a grand jury to determine whether Officer Judd should be indicted and charged with crimes in relation to this incident. The grand jury ultimately decided not to charge Officer Judd.

Incident H - Leslie Yolanda Salazar

On June 7, 2018 around 2:30 AM, APD officers responded to the 7300 Block of South Glenn Street after initially receiving a prowler "hotshot" call. While the call was initially titled "prowler hotshot," officers later received information from dispatch indicating that the call involved someone known to the callers. There were two 911 calls leading up to this incident. First, 911 received a call stating that a woman, later identified as Leslie Yolanda Salazar (20/Latinx/Female), was trying to break into her home. Moments later, 911 received a second, related call from a woman saying that Ms. Salazar was her cousin and was now threatening people in the residence with a knife. Ms. Salazar reportedly had some mental health history.

Officer Robles arrived at the residence first and knocked on the door but received no answer. Just in front of the house, he observed a knife lying on the ground.

At or around the same time, a second officer, Officer Brown, arrived on scene and the two met with the women who had called 911. Officers Robles and Brown reportedly met the two women at the intersection of Autumn Bay Drive and Aspen Glenn Boulevard, two streets down from South Glenn Street, where they stated that Ms. Salazar had physically assaulted them and threatened them with a knife and chased them down the street. Shortly after the two women met with officers, three men who had also been in the house ran up to the group and shared similar information with the officers. Soon after, officers learned that a female roommate of the women had gone to bed and was likely still in the residence with Ms. Salazar. One of the women called that roommate and told her to come outside, which she did.

Throughout these interactions, officers reportedly had concerns about the witnesses being intoxicated and so they, despite it appearing that everyone in the home aside from Ms. Salazar was accounted for, were reportedly still concerned about who might still be inside.

Moments later, Officers Brown and Robles entered the residence and began calling for Ms. Salazar by name and announcing themselves as APD officers. Seconds later, Officer Brown encountered Ms. Salazar in the kitchen and saw that she was carrying a knife.

Over 2-3 seconds, Officer Brown twice issued commands for Ms. Salazar to drop the knife and when she did not, he fired three rounds at her.

This incident was fatal, and the Travis County Medical Examiner ruled the death a homicide caused by gunshot wounds.

The Travis County District Attorney reviewed the incident and declined to file charges against Officer Brown. The declination letter can be found [here](#).

Incident I - Craig Anthony Carter

On August 3, 2018, APD officers responded to a call for service after 911 began receiving multiple calls from the 4700 block of Chiappero Trail at around 7:38 AM with reports of hearing a woman wailing and a man yelling and telling her to “shut up.” When police arrived at the residence, they made contact with a woman, who stated that her son, Craig Anthony Carter (27/White/Male), had just assaulted her and threatened her with a gun. She told police that Mr. Carter had just left, and she provided a physical description of both he and his vehicle.

Police broadcasted this information over radio and an officer subsequently saw Mr. Carter’s vehicle while on patrol. The officer tried to conduct a traffic stop; however, Mr. Carter, who has a documented mental health history, did not pull over. APD camera footage shows that Mr. Carter continued driving and proceeded to lead police on a pursuit lasting roughly 12 minutes.

Mr. Carter’s vehicle finally came to a stop at the intersection of Mesa Drive and Spicewood Springs Road after police performed the Precision Immobilization Technique.¹⁸ Almost immediately after the vehicle stopped, Mr. Carter exited through the driver’s side door and began firing at police.

Two officers, Officer Trahan and Officer Witt fired their weapons at Mr. Carter during this incident, and crime scene specialists collected 20 fired cartridge casings matching police weapons.

This incident was not fatal, however police returned fire and ultimately hit Mr. Carter numerous times, causing wounds to his right foot, left leg and arm, and torso.

The Travis County District Attorney reviewed the incident and declined to file charges against the officers involved. The declination letter can be found [here](#).¹⁹

Incident J - Aquantis Jaymond Griffin

On August 17, 2018 around 1:02 AM, officers responded to the 600 block of Trinity St. after hearing shots fired. Approximately 41 minutes earlier, 911 began receiving calls about disturbances at Terminal 6, an 18 and over dance club then located at 302 E 6th Street in downtown Austin. Due to the size of the crowds in and around the venue, APD officers

¹⁸ The Precision Immobilization Technique or “PIT maneuver” is a technique used by police to force an evading vehicle to abruptly turn 180 degrees, thereby causing it to stall and stop.

¹⁹ The Travis County District Attorney website currently has a two-page declination letter with limited details, citing ongoing criminal proceedings.

reportedly requested assistance from the Texas Alcoholic Beverage Commission and the Fire Marshal. At approximately 1:00 am, there was another disturbance in the alley and parking lot behind Terminal 6; 911 received multiple calls reporting shots fired and APD officers responded to the area.²⁰

Once officers approached the alley, they heard shots being fired as well. Shortly thereafter, officers saw someone, later identified as Aquantis Jaymond Griffin (21/Black/Male), running down the alley with a handgun in his right hand.

At some point, Mr. Griffin reportedly pointed the gun at officers, and eight officers—Johnson, Cast, Mathis, Martinez, DeVries, Moran, Halbach, and Salacki—subsequently fired 43 shots at Mr. Griffin in response; a ninth officer fired a TASER device. This incident was fatal. The Travis County Medical Examiner conducted an autopsy of Mr. Griffin and reported a total of 30 gunshot wound pathways.

As of the release date of this report, the Travis County District Attorney is [still investigating](#) this OIS incident and has yet to release a letter indicating whether charges will be filed against the eight officers involved.²¹

Incident K - Glenn Austin Miles

On September 9, 2018, members of the APD Violent Crimes Task Force²² were investigating a series of robberies that had occurred in recent days and located a potential suspect, later identified as Glenn Austin Miles (51/White/Male), in north Austin. Before contacting him, officers were aware of Mr. Miles' mental health history.

Officers located Mr. Miles at around 1:11 AM and as they approached, Mr. Miles reportedly attempted to evade by running away on foot. As officers pursued him, they reportedly observed Mr. Miles pull out a handgun and, at or around the same time, two officers—Officer Eichenholz and Sergeant White—fired their patrol rifles at Mr. Miles.

A total of seven shots were fired.

The incident was not fatal, however, Mr. Miles suffered at least two gunshot wounds and was hospitalized as a result.

The Travis County District Attorney reviewed the incident and declined to file charges against the officers involved. The declination letter can be found [here](#).²³

²⁰ Police later discovered that some of the gunshots reported that night were fired toward Mr. Griffin and a group of others by another individual.

²¹ A list of officer-involved shooting investigations currently pending with the Travis County District Attorney's Office is available at https://www.traviscountytx.gov/images/district_attorney/docs/pending-officer-involved-shooting-investigation.pdf

²² According to the APD website, the Violent Crimes Task Force was created under Chief Brian Manley in 2018 and is a multi-agency team that investigates bank robberies and other select federal offenses that occur in the Central Texas area.

²³ The Travis County District Attorney website currently has a two-page declination letter with limited details, citing ongoing criminal proceedings.

Incident L - Mark Anthony Herrera

At around 7:40 PM on October 5, 2018, APD officers responded to calls for service on the 6800 block of Shadywood Drive. There had been various 911 calls referencing someone, later identified as Mark Anthony Herrera (48/Latinx/Male), pouring gasoline across his yard, lighting it on fire, and walking around the front yard with a gun. One caller also told 911 that Mr. Herrera had a mental health condition and might be under the influence of methamphetamine.

When police responded, they observed Mr. Herrera pacing in the street and holding what appeared to be a firearm to his head.²⁴ During the incident, Mr. Herrera also pointed the gun at bystanders on the street and police officers as they were walking towards him. At or around this time, two officers, Officer Littig and Officer Mihalik, fired their duty rifles at Mr. Herrera.

The incident was not fatal, however, Mr. Herrera was shot and suffered gunshot wounds to his arm, abdomen, and back.

The Travis County District Attorney reviewed the incident and declined to file charges against the officers involved. The declination letter can be found [here](#).²⁵

²⁴ The weapon Mr. Herrera was holding was later identified by APD as a BB pistol.

²⁵ The Travis County District Attorney website currently has a two-page declination letter with limited details, citing ongoing criminal proceedings

CONCLUSION

Officer-involved shootings are the most absolute representation of the power that police officers hold as a result of their positions. Consequently, every single incident requires a thorough analysis and review. The fact that the Austin Police Department was involved in 12 officer-involved shooting (OIS) incidents in 2018 makes that year especially important to review given this historically high number.

The OPO's review of the 2018 officer-involved shooting incidents highlights disconcerting patterns that APD must acknowledge and address to provide transparency and accountability to the community. Officers' apparent failure to use de-escalation tactics in many of the incidents, as well as their failure to use "less-lethal" force options in all but one incident, is deeply troubling and requires further explanation by the department. Moreover, the 2018 data clearly reveals a disparate concentration of officer-involved shooting incidents affecting individuals who are ethnic minorities, as well as in areas of Austin that are historically minority-majority. APD must account for these demographic and geographic disparities. Increased accountability related to critical incidents will be an essential part of any foundation upon which APD might hope to effectuate the community policing model it endeavors to achieve.

RECOMMENDATIONS

The Office of Police Oversight provides impartial oversight of the Austin Police Department's conduct, practices, and policies. As part of this work, the Office of Police Oversight reviews the Austin Police Department's policies and procedures and makes recommendations on any policies that warrant review or change. Based upon a review of the 2018 officer-involved shooting (OIS) incidents, the Office of Police Oversight recommends the following:

Civilian Oversight Access

Increase the Office of Police Oversight's access to officer-involved shooting incident data.

The Office of Police Oversight responds to the scenes of officer-involved shooting incidents and, as with other administrative investigations into potential misconduct by Austin Police Department officers, monitors the subsequent investigations conducted by the Internal Affairs Division. Under the 2018 Meet and Confer Agreement between the Austin Police Association and the City of Austin (Meet and Confer), the Director of the Office of Police Oversight should have unfettered access to the Internal Affairs investigation process. To achieve compliance with the civilian oversight access requirement outlined in the Meet and Confer Agreement, the Austin Police Department should provide the Office of Police Oversight with unprompted access to ballistics reports and autopsy reports related to officer-involved shooting incidents when they become available. The Office of Police Oversight further recommends that Austin Police Department informs the Office of Police Oversight in writing of the total number of sworn employees present at the scene of each incident, both at the time of the shooting and afterward. Access to this information is necessary for the Office of Police Oversight staff to provide effective oversight of investigations into each incident.

Reporting by the Austin Police Department

Publish annual reports related to officer-involved shooting incidents involving the department.

The last officer-involved shooting report published by the Austin Police Department was released by the Research and Planning Unit in May 2018 and was a collective report of incidents that occurred between 2008 and 2017. To increase transparency and access to information, the Office of Police Oversight recommends that the Austin Police Department begin publishing annual officer-involved shooting reports. In addition, the Office of Police Oversight recommends that these reports identify characteristic data points, outline the steps taken by the Austin Police Department immediately following the incidents, and include preventative measures the department will implement (or has already implemented) as a result of the incidents.

Any Austin Police Department reporting related to the 2018 incidents, in particular, should include sections acknowledging and analyzing the following issues, as well as the department’s specific plans to address them:

- a. the number of fatal officer-involved shooting incidents caused by police;
- b. the number of officer-involved shooting incidents involving potential mental health components;
- c. the concentration of officer-involved shooting incidents occurring in southeast Austin;
- d. the concentration of fatal officer-involved shooting incidents occurring in south, central, and east Austin;
- e. the fact that only ethnic minorities were the subjects of fatalities caused by police;
- f. the fact that the majority of OIS incidents involved people from the Latinx community; and
- g. the fact that “less-lethal” use of force was used prior to deadly force in only one incident.

Furthermore, the Austin Police Department should regularly communicate with the public, including City of Austin Boards and Commissions and community stakeholders, regarding this data.

Post-Academy Training Requirements

Increase continuing education for patrol officers.

As it stands, mandatory training for officers after they graduate from the Austin Police Department Training Academy is limited and often reserved for specialized units. Out of the 12 officer-involved shooting incidents in 2018, 10 of the incidents originated as calls for service. In these cases, the initial responders were patrol officers and not part of any specialized unit. Given this data, the Office of Police Oversight recommends that the Austin Police Department institute consistent and ongoing training for patrol officers in the following areas:

- a. de-escalation;
- b. response to resistance; and
- c. crisis intervention and mental health response

Mental Health Response

Ensure mental health response training, policies, and procedures follow best practices and address shortcomings found in the 2018 City Auditor report.

This report found that at least half of the 2018 officer-involved shooting incidents involved a mental health component. A [2018 report by the Office of the City Auditor](#) revealed that of the police departments in some of the largest cities in the U.S., “APD has the highest per capita rate of fatal police shootings involving persons believed to be experiencing a mental health crisis.”²⁶

In response to the City Auditor’s report, the Austin Police Department recently increased mandatory mental health training for officers from 40 hours to 80 hours throughout an officer’s career. While this is a step in the right direction, the completion of 80 hours of training throughout an officer’s career is not enough.

²⁶ City of Austin. 2018. Audit Report: APD Response to Mental Health-Related Incidents. Austin, TX: Office of the City Auditor, p.7. This report is available at https://www.traviscountytx.gov/images/district_attorney/docs/180607-leslie_salazar.pdf

The City Auditor’s report found that best practices result in officers receiving “regular refresher trainings on topics related to crisis intervention, de-escalation, and mental health.” Austin Police Department training staff confirmed during the audit that they did not offer such opportunities.²⁷

The need for the Austin Police Department to provide consistent and ongoing training on mental health and crisis response to all officers is critical because department policy requires officers to respond to emergencies involving persons experiencing mental health crisis when a Crisis Intervention Team (CIT) officer is not available.²⁸ The City Auditor’s report found that, unlike other large cities, 911 dispatchers in Austin do not identify the nearest certified mental health officer and dispatch them to the crisis event.²⁹ The report also found that “[CIT] officers are not always available when needed. In addition, officers may not have all relevant information when responding to these calls for service.”

As a result, the Office of Police Oversight recommends that the Austin Police Department engage in substantive efforts to meet or exceed the requirements for best practices in the area of mental health and crisis response.³⁰ Traditional training that supports an authoritative approach to policing has been found to be ineffective when responding to a mental health crisis. Such an approach may in fact escalate the situation and result in the use of deadly force. As a result, training specific to mental health and crisis response is critical.

Personnel Safety and Wellness

Ensure the Austin Police Department’s policies and procedures align with best practices for personnel safety and wellness.

Involvement in an officer-involved shooting may compound any stress an officer may already be experiencing as a result of their job or personal life. It is important that the safety and wellness of officers be prioritized. The Office of Police Oversight recommends that the Austin Police Department align its personnel safety and wellness policies and procedures with national best practices. Current best practices support proactive wellness programs.³¹ According to guidance from the U.S. Department of Justice:

[a]n agency which truly values its employees should begin by considering how to offer routine mechanisms to support employees throughout their careers, not solely when they are exposed to traumatic events or begin to exhibit signs of trauma. When law enforcement leaders prioritize safety and wellness proactively, they create the conditions for law enforcement personnel to demonstrate a greater capacity for empathy and compassion for those in their communities and their agencies. Providing the means and training for law enforcement personnel to replace negative defense or coping mechanisms with mechanisms that encourage greater understanding serves to build trust between individuals and law enforcement agencies.³²

²⁷ *Audit Report: APD Response to Mental Health-Related Incidents*, p. 7.

²⁸ Crisis Intervention Team (CIT) officers are also known as Mental Health Officers (MHOs).

²⁹ *Audit Report: APD Response to Mental Health-Related Incidents*, p. 42.

³⁰ See *Audit Report: APD Response to Mental Health-Related Incidents* and *Law Enforcement Best Practices: Lessons Learned from the Field*.

³¹ *Law Enforcement Best Practices: Lessons Learned from the Field*, p. 32.

³² *Law Enforcement Best Practices: Lessons Learned from the Field*, p. 32.

Based on this guidance, the Office of Police Oversight recommends that the Austin Police Department review its current health and wellness programs and provide a written assessment considering whether they are in alignment with best practices and supportive of the department's stated goals for community policing.

APPENDIX

Figure 1: Map of 2018 Incidents in Relation to Austin City Council Districts

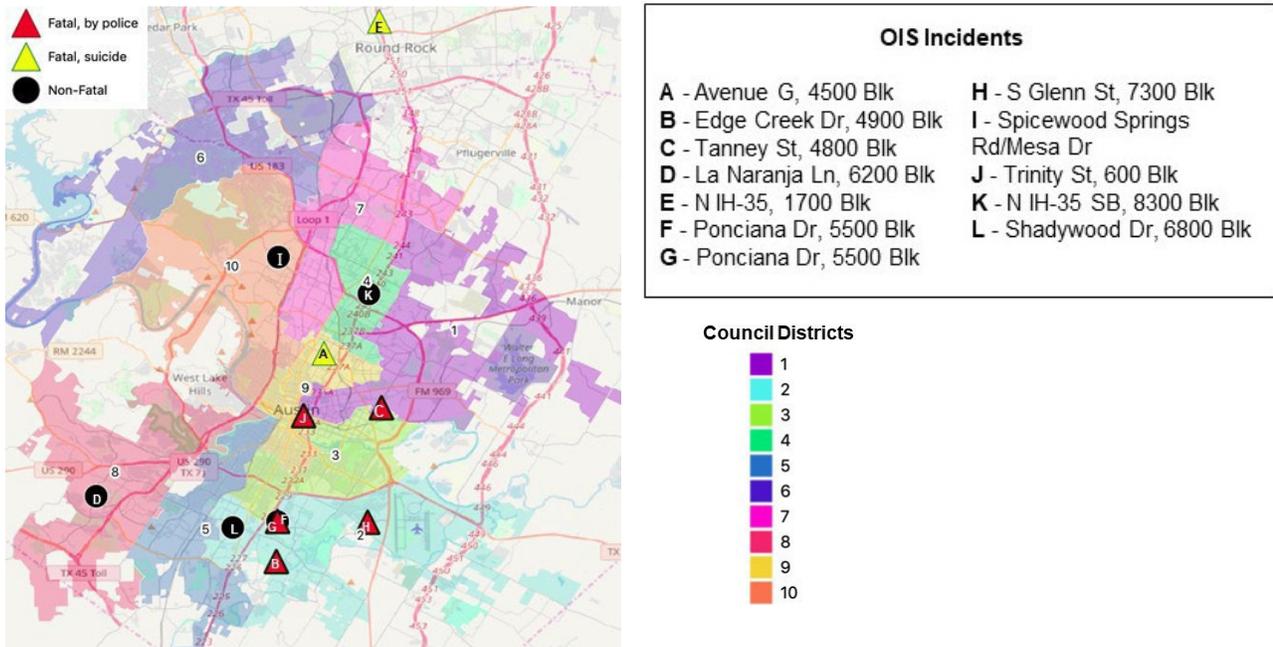


Figure 2: Map of 2018 Incidents in Relation to Austin Police Department Sectors

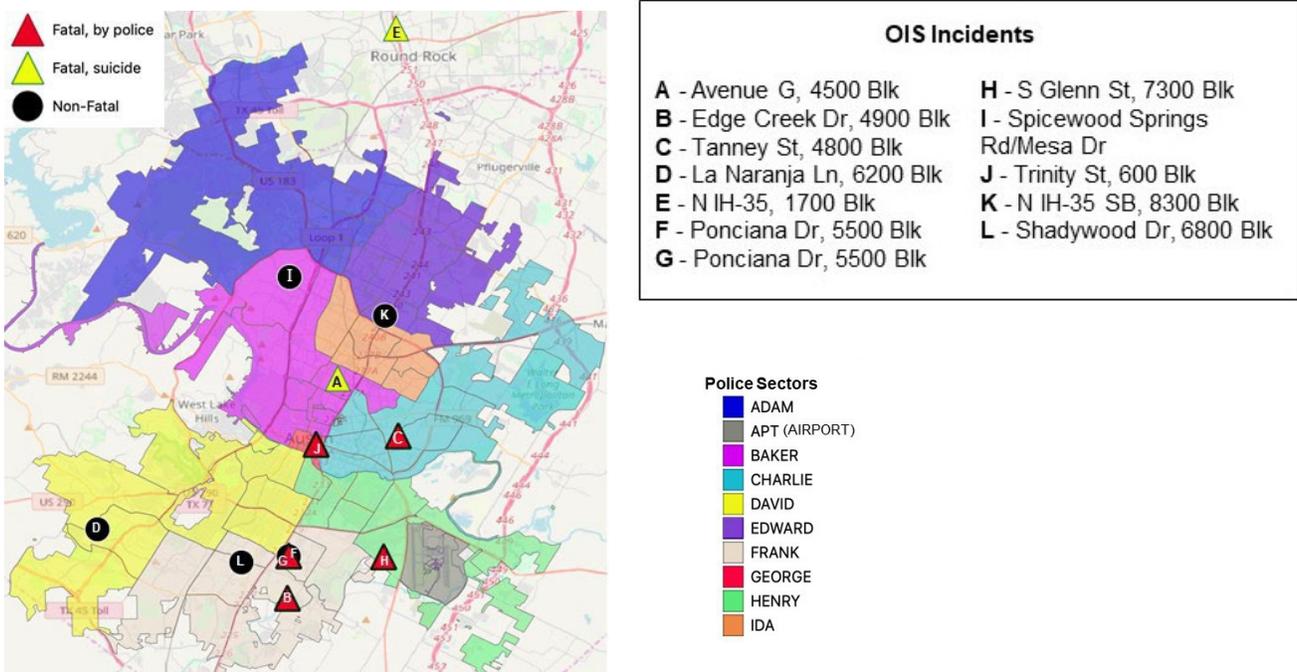


CHART 1: CITY COUNCIL DISTRICTS WHERE INCIDENTS OCCURRED

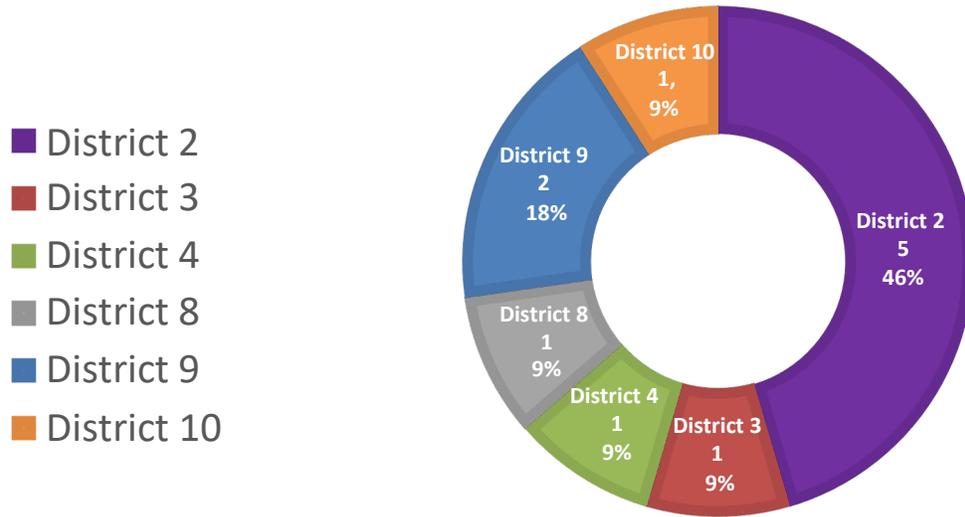


CHART 2: APD SECTORS WHERE INCIDENTS OCCURRED

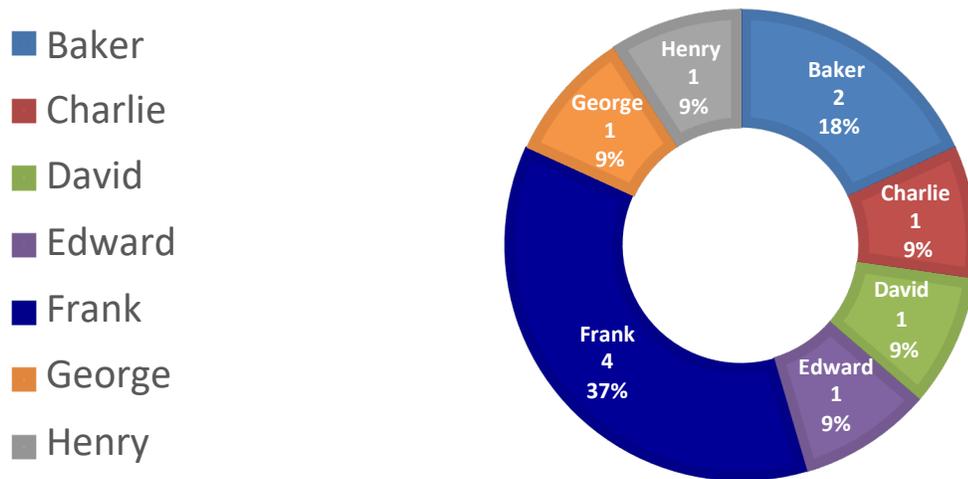


Chart 3: Years of APD Service

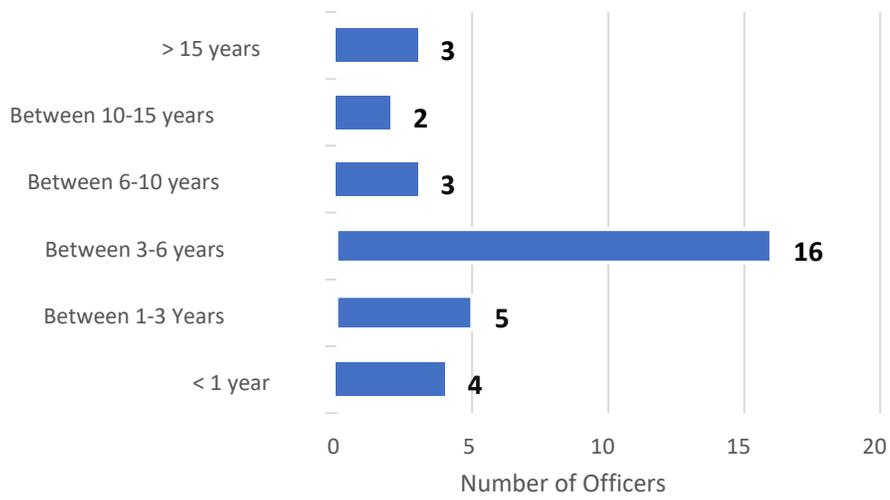


Chart 4: Ethnicity and Gender of Involved Officers

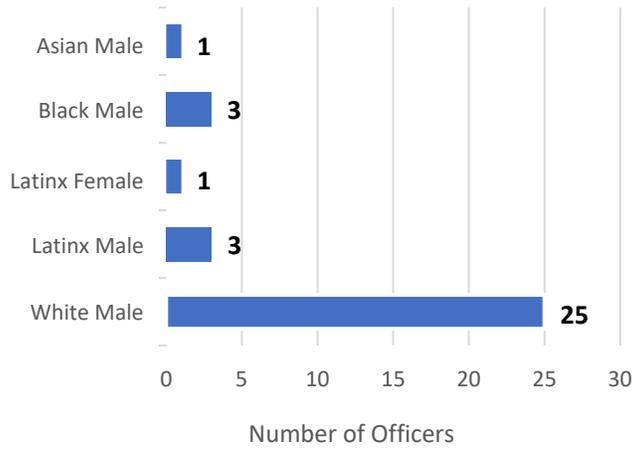


Chart 5: Age of Involved Officers

