



ICMS: 2019-1086

November 15, 2019

Complaint: Corporal [REDACTED] may have violated Austin Police Department (APD) policy during interactions with individuals at a call involving a teenage girl in a mental health crisis. Corporal [REDACTED] appeared to escalate the situation upon his arrival. Corporal [REDACTED] appeared to use a disrespectful and condescending tone as well as disrespectful language with the teenage girl in crisis.

A witness expressed concern about how officers at the scene appeared to be handling the situation. Corporal [REDACTED] appeared to respond to the witness with hostility. Later, during the same call, the same witness asked the mental health officer (MHO) on scene about the training that MHOs are required to complete. Corporal [REDACTED] appeared to get offended, berated the witness, and did not allow the MHO to respond.

Additionally, both Corporal [REDACTED] and another officer appeared to use force to restrain the teenage girl. Corporal [REDACTED] may have violated APD policy when he advised the other officer that this did not constitute a Response to Resistance. The Office of Police Oversight (OPO) is the complainant.

Additional Information: This complaint was originated from a YouTube video sent to the office detailing the incident in question.

Administrative Policies to Review:

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 Assessment and De-Escalation

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



- (a) Assessing Risks and Benefits – After an officer has gathered sufficient information to ascertain anticipated threats at the scene, they shall consider whether de-escalation is appropriate. Factors that should be considered are:
1. Whether the officer believed the search, arrest or transportation must be undertaken immediately;
 2. What risks and benefits may be associated with delaying immediate action;
 3. What contingencies may arise;
 4. Whether the situation requires a supervisor’s response;
 5. Whether other officers may be needed on the scene, including special units, such as CIT or CINT;
 6. Whether other resources (e.g. less-lethal weaponry, special equipment, or other emergency professionals, interpreters or other persons) are needed; and
 7. Other factor(s) relevant to assessing risks, benefits and contingencies
- (b) Use of De-escalation Techniques – Employing de-escalation techniques may involve securing additional resources, tactical repositioning, and employing verbal persuasion.
1. Securing Additional Resources – Officers may utilize additional resources which are reasonably calculated to lessen or possibly eliminate the need to respond to resistance in a situation. To the extent possible and reasonable, in light of the totality of the circumstances, officers should avoid physical confrontation until such time as additional resources have arrived additional resources may include:
 - (a) Less lethal weaponry;
 - (b) Additional officers;
 - (c) Officers with special training, such as CIT or CINT; or
 - (d) Any other persons whose presence may help de-escalate the situation (e.g., emergency medical professionals, interpreters, or supportive family members).
 3. Verbal Persuasion – To the extent possible and reasonable under the totality of the circumstances officers may use one or more of the following verbal techniques to try to calm an agitated subject and promote rational decisions.
 1. Treat the subject with dignity and respect, the way the officer would wish to be treated if they stood in the subject’s shoes;
 2. Listen to the subject’s side of the story and permit them to express frustration;
 3. Explain what the officer is doing, what the subject can do, and what needs to happen;
 4. Explain why the officer is taking a specific action, again permitting the subject to respond and acknowledging their perspective;
 5. If possible, provide the subject with alternatives, even though those alternatives may be limited;
 6. Advise the subject of the consequences for noncompliance;
 7. Offer reasonable, professional advice if it is expected to help; or



8. Provide the subject with reasonably sufficient time within which to respond to directives.

301.2 Impartial Attitude and Courtesy

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

- (a) Employees will not express or otherwise manifest any prejudice concerning race, religion, national origin, age, political affiliation, sex, or other personal characteristics in the performance of their duties.
 1. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- (c) Employees will make every effort to be courteous and respectful toward all persons.

900.4.3 Neglect of Duty

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (a) Lack of knowledge of the application of laws required to be enforced.
- (b) Unwillingness or inability to perform assigned tasks.
- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.
- (e) Absence without approved leave.
- (f) Repeated poor evaluations.
- (g) Written record of repeated infractions of rules, regulations, directives or orders of the Department.
- (h) Failure to follow department standardized training and tactics when it was objectively reasonable to do so.
- (i) Employees are expected to be truthful at all times in the performance of their duties, However, there may be instances where, initially, the employee has not been truthful; but, before the investigation is complete, the employee provides an accurate and detailed accounting of their true culpability in a situation, and accepts full responsibility for their actions. In those cases, the Chief may consider each case on a fact-specific basis.



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.

- (a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD directives which pertain to their assigned duties.
- (b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines, and will consult their immediate supervisor for clarification and explanation.
- (c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.

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.