

Exhaust All Alternatives Before Using Deadly Force



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

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

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

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

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

Quantitative Data

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

Qualitative Data

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

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

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

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

Below are selected comments from community feedback:

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

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

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

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Recommendations from community feedback

Adopt OPO's amended recommendations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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