

Exhaust All Alternatives Before Using Deadly Force



Introduction

Campaign Zero's 8 Can't Wait initiative recommends that police departments "[r]equire officers to exhaust all other alternatives, including non-force and less-lethal force options, prior to resorting to deadly force."⁴⁰ In other words, under this recommendation, officers should only use deadly force as a last resort. Some alternatives to deadly force include: conflict avoidance, empty-hand techniques, and less-lethal force options (e.g. TASER devices).⁴¹

This policy recommendation is intended to eliminate the unnecessary use of deadly force. Currently, APD's deadly force policy does not require that officers exhaust all alternatives prior to using deadly force.⁴²

Exhaust All Alternatives Before Using Deadly Force

Policy review findings

Under APD's current deadly force policy, there is no requirement to exhaust all alternatives

APD's General Orders consists of both introductory sections and conduct-specific sections. The introductory sections discuss ethics and APD's philosophy.⁴³ Following the introductory sections are the chapters and sections with specific directives.⁴⁴

Currently, the only explicit language in the General Orders pertaining to the use of deadly force as a last resort is the section detailing APD's philosophy.⁴⁵ While articulating a police department's general philosophy is a valuable exercise, the policy sections with specific directives are what provide officers with substantive information about what is required of them.

While the rest of the relevant policies listed below may tangentially relate to the exhaustion of all alternatives, nowhere do any of them explicitly direct officers to use deadly force only as a last resort and only after all available alternatives have been employed.⁴⁶



Current APD policies related to exhaustion of all alternatives

The following APD policies are relevant to the exhaustion of all alternatives:

- The Philosophy of the Austin Police Department, which is located in the introductory paragraphs to the General Orders;
- 200.1.1 Philosophy – Response to Resistance;
- 200.3 Response to Resistance;
- 200.4 Deadly Force Applications; and
- 202.1.1 Policy – Firearm Discharge Situations.⁴⁷

To view the full excerpts of these policies, please turn to Appendix B.

Exhaust All Alternatives Before Using Deadly Force

Recommended policy changes

Add the following definitions to General Order 200.1.2 Definitions:

Unreasonable – Conduct which, given the totality of the circumstances, is irrational, not warranted, or not in accordance with practical realities.

Add the following section to APD General Order 200.4 Deadly Force Applications and 202.1.1 Policy-Firearm Discharge Situations:

(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.

1. 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.
2. Officers shall not take unreasonable or unnecessary actions that escalate any situation to one that would require a deadly force response. Examples include, but are not limited to, the following:
 - (a) Standing in front of a moving vehicle;
 - (b) Giving unclear commands;
 - (c) Giving an individual an insufficient amount of time to comply with commands;
 - (d) Drawing weapons before the officer has an objectively reasonable belief that it will escalate to a deadly force situation; and
 - (e) Using profanity while giving commands.
3. Officers shall document in an incident report all deadly force alternatives used during an encounter and what the involved individual's response was to each technique. If deadly force was ultimately used, officers shall document in detail why use of deadly force was necessary and objectively reasonable.