

Warn Before Shooting



Warning before shooting is a tactic that can help to slow down tense interactions and provide community members with another opportunity to comply before officers use deadly force.¹²⁵

Campaign Zero's 8 Can't Wait initiative recommends that police departments "[r]equire officers to give a verbal warning in all situations before using deadly force."¹²⁶

In Resolution 95, Council directed that "[u]se of force shall incorporate de-escalation tactics in all Circumstances." Warning before shooting is considered a de-escalation tactic.¹²⁷

APD's current policy on this topic is unclear and lacks specificity. Additionally, as it relates to warnings, APD's current policies on less-lethal force are more detailed than its policies on lethal force.¹²⁸

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

Analysis of community feedback on warn before shooting

Quantitative data

- 49% of individuals responded that APD's current policy on warning before shooting makes them feel safe, while 47% stated they do not feel safe
- 55% of respondents believe that policy must specify how an officer should warn before shooting

Qualitative Data

Overall, respondents expressed diverging concerns about this policy area. Many responded that disabilities and language barriers should be considered, while others believed that some people who interact with the police don't merit a warning if a potential crime has been committed.

Those who support changing APD's policies reasoned that the current policy doesn't account for situations where a person may not hear or understand an officer's warning, including those who don't understand English and people living with a mental health condition. Community members responded that the potential for officers to kill someone by discharging their firearm is great, and there should be more clearly defined steps taken to ensure that a person understands that they are facing this risk.

Those who responded that a change wasn't needed reasoned that there may not be enough time for an officer to provide a warning in every situation and that it may put them in danger. Further, community members not in support of OPO's proposed changes repeated concerns that warning before shooting could place an officer at a tactical disadvantage.

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Below are selected comments from community feedback:

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“Much more warning must be given before using force. My daughter for example has a diagnosed listening comprehension disorder related to her ASD which has a documented effect on her ability to accurately follow directions in a timely manner. She doesn't look disabled but I am not confident that given certain scenarios people like her (especially men and people of color) would be safe from getting shot at by the police.”

“I think that a warning should be mandatory and I think we should think broadly about people with different abilities as to how we give a warning so a verbal warning won't work for everybody. I think how a warning is given should have a standard of consistency across officers training, consistent with comprehensive training around different abilities so that there is a range of ways you warn people before you end their life.”

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Recommendations from community feedback

Adopt OPO's preliminary recommendations.

OPO's preliminary review of APD's policy on warning before shooting highlighted three concerns:

- Without further detail in policy, feasibility language is ambiguous
- The policy is more robust for less-lethal force warnings
- The policy does not specify how a warning should be given

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 10. Comparing OPO’s Proposed Recommendations and APD’s Current Policy on Warn Before Shooting

OPO's Proposed Recommendations	APD's Current Policy
<p>Aligns with information from:</p> <ul style="list-style-type: none">  Police Executive Research Forum* ¹²⁹  YES International Association of Chiefs of Police ¹³⁰  YES 8 Can’t Wait ¹³¹  YES Austin City Council Resolution 95 ¹³² 	<p>Aligns with information from:</p> <ul style="list-style-type: none">  Police Executive Research Forum* ¹³³  NO International Association of Chiefs of Police ¹³⁴  NO 8 Can’t Wait ¹³⁵  NO Austin City Council Resolution 95 ¹³⁶

**The Police Executive Research Forum has not publicly taken a clear position on this topic, but the concept of warning before shooting appears to align with broader de-escalation recommendations from the Police Executive Research Forum; providing warnings is considered a key de-escalation tactic. ¹³⁷*

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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.

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

- Requiring that officers provide a warning before shooting except in limited circumstances
- Permitting officers to shoot without first issuing a warning when the use of deadly force is immediately necessary to prevent imminent death or serious bodily injury to officers or bystanders on scene and giving a warning will create additional risk.
- Requiring officers to include specific information in a warning

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

- Requiring that officers provide a warning before shooting except in limited circumstances ¹³⁸
- Permitting officers to shoot without first issuing a warning when providing a warning would negatively impact officer or community safety ¹³⁹
- Requiring officers to include specific information in a warning ¹⁴⁰