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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Susan Sinz, Director of Civil Service

FROM: Lisa Davis, Chief of Police

DATE: December 3, 2025

SUBJECT: Indefinite Suspension of Police Officer Joseph Spees #7796
Internal Affairs Control Number 2024-1258

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have indefinitely suspended Police Officer Joseph Spees #7796 from duty as a City of Austin, Texas police officer effective December 3, 2025.

I took this action because Officer Spees violated Civil Service Commission Rule 10.03, which sets forth the grounds for disciplinary suspensions of employees in the classified service, and states:

No employee of the classified service of the City of Austin shall engage in, or be involved in, any of the following acts or conduct, and the same shall constitute cause for suspension of an employee from the classified service of the City:

- L. Violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

The following are the specific acts committed by Officer Spees in violation of Rule 10:

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The December 7, 2024, Incident:

On December 7, 2024, at approximately 3:02 a.m., Officer Joseph Spees #7796 responded to a disturbance call at the Marriott Hotel located at 304 E. Cesar Chavez St. Specifically, a physical disturbance had allegedly occurred between an intoxicated woman (later identified as [REDACTED]) and hotel staff. Officer Spees was in uniform and activated his body worn-camera (BWC) video. Officer Spees is assigned to work in DTAC (Downtown Area Command) and was not working his regular shift but was working a DTAC overtime assignment. The encounter between Officer Spees and [REDACTED] was also captured on hotel security cameras. Officer Spees did not have a backup officer responding because officers in the area were diverted to another higher-priority call.

Officer Spees approached [REDACTED] as she stood in front of the hotel arguing with hotel staff. [REDACTED] appeared to be in her mid-twenties to early thirties. She was barefoot and dressed for bars or clubs. [REDACTED]. [REDACTED] could be heard slightly slurring her words. Officer Spees later wrote in his report—which he completed after watching his body-worn camera video—that he observed [REDACTED] exhibiting several signs of intoxication.

Upon his approach Officer Spees identified himself as an Austin Police Officer and immediately commanded [REDACTED] to turn around and place her hands behind her back. [REDACTED] initially pulled away from Officer Spees. He turned on his taser, pointed it at her and gave a second command to turn around with her hands behind her back. [REDACTED] [REDACTED] complied with this command.

Officer Spees handcuffed [REDACTED] with both hands behind her back and began to escort her to his patrol vehicle located a short distance away across a brick lined and concrete driveway. Body-worn camera and hotel video depict [REDACTED] walking with an upright steady gait in spite of being intoxicated. As Officer Spees escorted [REDACTED] to his patrol vehicle, he held [REDACTED]' left arm with his left hand. Just a few steps from where they started, [REDACTED] appeared to drop something on the ground. Immediately afterwards, she abruptly stopped in front of Officer Spees, and lowered herself into a partial squatted position while stating, "I got to pick up my fucking li...". Before she could finish the sentence, and without warning Officer Spees performed a takedown by forcefully pulling [REDACTED] in a circular motion so powerful that her body continued to spin when she hit the ground.

Officer Spees wrote in his report that he performed a takedown to maintain control of [REDACTED] when she pulled away from him. Officer Spees did not note in his report that he let [REDACTED] go before she hit the ground. [REDACTED] hit the ground, with the contact from her head creating an audible thud. At the time Officer Spees performed this takedown, he knew that [REDACTED] was intoxicated, handcuffed with her hands behind her back, and unable to break her fall.

After [REDACTED] violently hit the ground Officer Spees exclaimed, "You are not going to resist me." When [REDACTED] landed on the ground she began to moan. Officer Spees

further stated, "You're under arrest now." Before he positioned [REDACTED] in an upright position and before he viewed any injuries, Officer Spees called on his radio to report a level three response to resistance and stated, "start EMS¹." After approximately 25 seconds, Officer Spees abruptly stood [REDACTED] up and began walking her to his patrol vehicle. A large amount of blood, which came from [REDACTED]'s head, was left on the pavement where [REDACTED] hit the ground. Unlike before the takedown, [REDACTED]'s balance was noticeably unsure. Officer Spees continued to state "Stop" and "You are not going to fight everybody and fight the police."

As Officer Spees escorted [REDACTED] to his patrol vehicle a few more steps away, he recognized her ability to slip out of handcuffs. While continuing to moan, [REDACTED] complained about the handcuffs and appeared to try to pull her hand out of them. She also refused to comply with Officer Spees' instructions to sit in the backseat of his patrol vehicle. As Officer Spees adjusted the cuffs by removing one pair and replacing them with another pair that [REDACTED] would be less likely to slip out of, he stated, "I am not going to let you slip out of cuffs; it's not going to happen." At this point, [REDACTED] removed her right hand from the right cuff that Officer Spees had just replaced. In response, Officer Spees secured [REDACTED]'s right arm and left arm behind her and forcefully pushed her headfirst into the back seat of the patrol vehicle, making a loud thud. [REDACTED] immediately exclaimed, "Owww!!" as she cried, "Why did you fucking do that?" When Officer Spees eventually got [REDACTED] seated, there was a pool of blood in the back seat where her head came to rest.

After EMS arrived to evaluate [REDACTED], they took her to Dell Seton Medical Center at The University of Texas (MCUT) emergency room. Medical staff determined that she had a [REDACTED] and [REDACTED]. [REDACTED] was ultimately charged with a Class C misdemeanor, Public Intoxication.

Internal Affairs Investigation (IA)

Because [REDACTED] was admitted to the hospital due to her injuries, Officer Spees' use of force was escalated to the highest level of required use of force reporting, a Level 1². All Level 1 use of force incidents are investigated by both the Internal Affairs Division (IA) and the Special Investigations Unit (SIU).

IA reviewed the following in relation to the Administrative Investigation of the incident that occurred on December 7, 2024:

- SIU case file under SIU case 2024-5031055

¹ Emergency Medical Personnel

² There are four levels of use of force that require reporting with Level 4 being the lowest and Level 1 being the highest. A Level 1 use of force is defined in APD GO 211.2.1, in applicable part, as any force resulting in death, substantial risk of death, intentional firearm discharge at a person, vehicle, or structure, regardless of injury, and any force that resulted in serious bodily injury requiring admittance to the hospital, beyond emergency room treatment and release.

- Versadex incident reports filed under APD case 24-3420226
- Probable Cause Affidavit written by Officer Spees
- 24-3420226 Computer Aided Dispatch (CAD) sheet
- APD 911 audio
- Officer Spees #7796 Body Worn Camera (BWC) footage 24-3420226
- Officer Spees #7796 Digital Mobile Audio Video (DMAV) footage 24-3420226
- Officer Spees #7796 Automatic Vehicle Location (AVL) data
- Axon Evidence photos 24-3420226
- Austin Police Use of Force Training
- Officer Spees #7796 Training Record
- Austin Marriott Downtown (304 E. Cesar Chavez) surveillance video footage

On February 26, 2025, IA conducted an interview with Officer Spees. Officer Spees gave a lengthy explanation of his actions. When asked by IA what level type of resistance [REDACTED] posed when he initially encountered her, he described it (on a scale of 1-10, with 1 being little or no danger and 10 being extreme danger), he said “Give you a seven on that.”

Officer Spees told IA that his intent, as he escorted [REDACTED] away from the hotel staff was to interview her concerning the alleged assault and get her side of the story. Officer Spees described to IA that:

As she's, walking, she's pulling away from me. I remember at the time, pulling back on her arm. I did not recognize, that she had dug in her feet, which I did see later on, in a body-worn camera video, but at the time, I did not realize that she had kinda dug in her feet, to push back. I felt her pulling away, I pulled back on her arm and I feel her going down. And so, I just reevaluated and determined the easiest way to stop this resistance is just to go down with her and let the momentum go down with her. So, as she went down to the ground, I observed her go down towards her rear end and then she wrapped around to, her chest and apparently hit her head on the ground on the way down.

When asked by IA what danger level (using the same scale) [REDACTED] posed when he escorted her away from the hotel, while handcuffed, he responded: “I would say an eight on the scale.”

Officer Spees explained to IA that he had [REDACTED] two weeks prior to the event. He still had [REDACTED] and was trying to avoid any takedowns or other force to avoid discomfort and pain. Officer Spees explained that he was not intending to perform a takedown on [REDACTED]. He said that “I didn't mean for her to go down...I didn't slam her down...I don't remember the rotation she was under.” When asked why he reported the action as a takedown, Officer Spees said that “I'm gonna over report it.”

Officer Spees explained to IA that he intentionally released [REDACTED] when he pulled her. He said that he thought she would fall straight back and that if he “disengaged, that it

would minimize any injury to me or her during that use of force...I thought she went rear end first. But based on the moment it appears that she twisted around after she had hit her rear end.” Ofc. Spees repeatedly explained to IA that he believed letting [REDACTED] fall would reduce his discomfort and her likelihood of injury.

Ofc. Spees admitted to IA that he did not write in his report that he did not intend to perform a takedown or that he let [REDACTED] go and fall to the ground when he performed the takedown/pulled her. He also told IA that he did not hear [REDACTED] explain that she was trying to retrieve her license when he used force.

Finally, Officer Spees told IA that, considering all of the facts and circumstances, he believed that his “*use of force was correct and reasonable based on the totality.*” He also denied violating other referenced APD General Orders, including 200.2 De-escalation, 402.2.4 Report Writing, and 900.4.3(h) Neglect of Duty.

Sustained Allegations and Austin Police Oversight’s recommendation

Officer Spees’ Chain of Command conducted a review of the IA investigation into allegations of misconduct against him and on November 14, 2025, the highest member of the chain of command, Assistant Chief Michael Chancellor, recommended that Officer Spees be sustained violations of the following APD General Orders:

- 200.2 De-escalation
- 200.4 Response to Resistance
- 4002.2.4 Report Writing
- 900.03.1 Honesty
- 900.3.2 Acts Bringing Discredit Upon the Department

Further, the Austin Police Oversight Office (APO)³ reviewed the IA investigation and issued a Discipline Recommendation on November 18, 2025. APO recommended the indefinite suspension of Officer Spees citing, among other things, that Officer Spees failed to take responsibility for his actions; he provided inconsistent accounts of the use of force; and he attempted to place blame for the takedown on the actions of the subject in custody. APO noted that Officer Spees initially denied to IA that a takedown had occurred, while simultaneously attempting to justify actions that would have warranted him performing a takedown. The APO further believed his use of force during this incident was unnecessary and excessive.

Conclusions and Findings

I agree with each of the sustained violations, except as indicated below, and I further agree with the APO’s recommendation to indefinitely suspend Officer Spees. By way of further explanation, I make the following conclusions and findings:

³ The Austin Police Oversight (APO) is appointed by the City Manager of the City of Austin. The APO’s mission 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.

200.4 Response to Resistance #1 – Officer Spees’ Takedown of [REDACTED]

The video evidence in this case demonstrates that Officer Spees violated APD GO 200.4 Response to Resistance when he performed a takedown of [REDACTED]. The force used by Officer Spees was not objectively reasonable under the circumstances. At the time he used force, [REDACTED] was in handcuffs with her hands behind her back. She had minimal ability to flee (she was barefoot and in handcuffs) or to cause harm to Officer Spees or anyone else. Indeed, Officer Spees had an overwhelming size and strength advantage over [REDACTED].

Nonetheless, Officer Spees used force on [REDACTED] immediately after she attempted to stop her forward momentum and turned her body to her right to retrieve her identification (ID) card that she dropped on the ground. Officer Spees did not engage in de-escalation techniques, including, but not limited to, explaining why he took a specific action, advising of noncompliance, or providing [REDACTED] with reasonably sufficient time within which to respond to directives before throwing her to the ground on her head while handcuffed.

[REDACTED] was not under arrest at the time, and ultimately was only arrested for a Class C misdemeanor. Nonetheless, Officer Spees used considerable force and did so without due regard for the possibility of inflicting serious injury on [REDACTED].

It is deeply concerning to me that Officer Spees did not recognize nor acknowledge his errors during his interview with IA. I do not believe that any objectively reasonable officer could share Officer Spees’ judgment that [REDACTED] posed a level 8 out of 10 threat while she was handcuffed and he was escorting her to his patrol car. Any objectively reasonable officer—and especially an experienced and well-trained officer like Officer Spees—should have been able to handle [REDACTED]’ minimal resistance without immediately resorting to a violent takedown that caused [REDACTED] considerable injury.

It is important to note that if this were the only sustained violation, I would have made the decision to indefinitely suspend Officer Spees for this violation alone, without consideration of the other violations in this Memorandum.⁴

200.4 Response to Resistance #2 – Officer Spees’ Shove of [REDACTED] at the Patrol Vehicle

I also find that Officer Spees violated APD General 200.4 when he shoved [REDACTED] into the patrol vehicle, causing her head to hit the hard plastic seat. Once Officer Spees escorted [REDACTED] to his patrol vehicle he recognized her ability to slip out of the handcuffs. [REDACTED] continued to moan repeatedly after sustaining the initial head injury. As Officer Spees adjusted the cuffs by removing one pair and replacing them with another, in her intoxicated state, [REDACTED] continued to move around. Officer Spees

⁴ I considered the fact that the Travis County District Attorney reviewed this case and declined prosecution. That decision on a potential criminal case, however, does not foreclose my finding that Officer Spees used objectively unreasonable force in violation of APD General Orders.

stated, "I am not going to let you slip out of cuffs; it's not going to happen." At this point, [REDACTED] slipped her right hand out of the right cuff. I note here that [REDACTED] made no additional aggressive movements other than to slip her hand out of the loose cuff before Officer Spees immediately gained control of her right and left arm. After Officer Spees secured [REDACTED]' right arm and left arm he forcefully shoved her headfirst into the back seat of the patrol vehicle without regard to her [REDACTED] as she clearly and audibly continued to moan in pain. A loud thud is heard on the recorded video and [REDACTED] immediately exclaimed, "Owww!!" as she cried, "Why did you fucking do that?" When Officer Spees eventually sat [REDACTED] in the back of the patrol vehicle, there was a pool of blood in the seat where her head came to rest.

I believe that no reasonable officer in Officer Spees' position would have shoved [REDACTED] into the patrol vehicle, causing her to hit her head a second time, knowing she already had sustained a head injury from being thrown to the pavement. I acknowledge that [REDACTED] exhibited resistance by slipping out of her handcuffs, but she otherwise made no aggressive moves towards Officer Spees, and he had her arms secured behind her back. Moreover, any reasonable officer would have known that [REDACTED] had already suffered an [REDACTED]. Officer Spees saw the blood [REDACTED] had left on the pavement after his takedown, heard her moaning, and felt her unsteady gait. An objectively reasonable officer would have exhibited greater care for an injured person with their hands held behind their back, than to shove them headfirst.

Although it cannot be known the extent of the injury or additional injury caused by this second use of force, there is no question that a considerable amount of blood is present after Officer Spees lifted [REDACTED] from the back seat.

It is important to note that if this were the only sustained violation, I would have made the decision to indefinitely suspend Officer Spees for this alone, without consideration of the other violations in this Memorandum.

400.2.4 Report Writing – Officer Spees' Report is Inconsistent and Omits Important Details

Officer Spees violated APD General Order 402.2.4. In Officer Spees' report he wrote that he performed a "takedown" by pulling [REDACTED] to the ground. He also reported defensive resistance twice in his description of [REDACTED]' actions of stopping her forward momentum and turning her body to her right, to apparently draw attention to or to retrieve her ID that was visible on the ground. The written report described [REDACTED] as continuing to pull away, thereby causing him to lose control of her arm. Officer Spees watched his body-worn camera before completing his report, yet he distorted and concealed the manner in which [REDACTED] resisted and his purported loss of control; his body-worn camera conflicts with his assertions. Additional footage from hotel cameras offers additional perspectives and neither angle depict Officer Spees losing control of the subject before taking her forcefully down to the ground.

Officer Spees wrote in his report that [REDACTED]' actions caused him to perform a takedown by pulling her to the ground, yet during his IA interview, he stated, *"I was not intending on even taking her down. I was intending on pulling her back towards me. But as she twisted around with that pull at the same time, I just went with that momentum and - and result in her falling to the ground."* (emphasis added). This statement contradicts the report and what the video evidence shows, including his own body-worn camera. The takedown was obviously intentional based on the amount of force used to take [REDACTED] down to the ground and the violent way she spun and hit the ground.

When he wrote his report, Officer Spees omitted and distorted important and relevant information. He only offered information regarding letting [REDACTED] go during the IA investigation after watching his body-worn camera footage for a second time and after video footage was produced from the hotel. When asked by IA if he remembered that night that he had disengaged and let go of [REDACTED], Spees responded, *"Not prior to writing my report, no. I only saw that when I reviewed my body worn camera for the second time at SIU almost months later."* (emphasis added).

Officer Spees omitted the fact that he disengaged/dropped [REDACTED] from his written report in an attempt to conceal the information. This information is pertinent and crucial to report a response to resistance. Officer Spees later explained to IA why he let her go. He explained that he was working DTAC on a Saturday night on a voluntarily scheduled shift with a known personal/medical condition that compromised his ability to engage force if needed. He stated to IA, *"She pushed against me. And that's what caused me some discomfort based upon my [REDACTED] that I had... And initially based on my memory and body worn camera video, I did not identify that I twisted around with her."* This statement contradicted the statement that he intended to pull her back towards him. This statement further contradicted his written report and his acknowledgment to a supervisor at the scene on December 7, 2024, that he had performed a takedown.

An additional important fact omitted from his report is his action of shoving [REDACTED] into the backseat of the patrol vehicle headfirst and her audible pain response. This part of the incident is described in detail above. This action clearly was a response to resistance and the pool of blood in the backseat should have caused Officer Spees to include details of this interaction in his report. Instead, he "generalizes" or otherwise, minimized the facts in his report and/or omitted important facts in order to suppress, conceal or otherwise distort the amount of force he used and the extent [REDACTED] injury.

What is even more problematic is Officer Spees' explanation of how he routinely writes his reports. When asked by IA how what he wrote in his report concerning this case lines up with what he eventually reported to IA, Officer Spees stated,

"So, again, when I wrote my report, I did that based solely on memory and then tried to adjust it after I reviewed my body-worn cam video. And I used my body-worn cam video to validate what I wrote. So, it's just a method of which I write the reports... For example, her twisting, pulling away, losing my grasp. Those are all just general terms that I use in my report when I

feel like that occurred within that use of force incident. And I believe that at the time, these things were occurring."

From this explanation Officer Spees explained his omission as a means to validate what he remembered, not to recall facts or add factual details after viewing his body-worn camera at the time of the incident; only to the extent that it validated what he already wrote.

Officer Spees was no longer able to validate what he wrote once an IA investigation was initiated. The subsequent review of his body-worn camera revealed that he clearly let [REDACTED] fall to the ground when he performed his takedown. He should have detailed this vital information in his report, especially after watching his body-worn camera video. He eventually not only recalled this fact, but also provided the reason why he let her go. These facts were available to him when he wrote his report. He further could not deny this fact when he was confronted with the Marriot Hotel video.

In his report, Officer Spees described [REDACTED]'s actions as defensive resistance. During the IA investigation he recounts the suspect losing her footing. If taken as true, his report distorts facts by stating he performed a takedown and the events that led to it. In his report he calls his response a soft hand-controlled takedown, which does not reflect video evidence. I cannot trust the statements that Officer Spees wrote in his report, coupled with his explanations to IA, as it is clear that he is not telling the whole truth, but one that is convenient for him under the circumstances. This method of stating convenient truths is not acceptable from an APD officer.

It is important to note that if this were the only sustained violation, I would have made the decision to indefinitely suspend Officer Spees for this alone, without consideration of the other violations in this Memorandum.

200.2 De-escalation

Officer Spees violated APD General Order 200.2 by failing to take advantage of multiple opportunities to engage in reasonable de-escalation techniques before using force on [REDACTED] by taking her to the ground. These opportunities would have included a warning and explaining to [REDACTED] that he intended to use force. Given that [REDACTED] was handcuffed and barefoot, there was no emergency or exigency that required the immediate use of force. Crucially, the takedown may not have occurred as the evidence shows that [REDACTED] was not actively resisting, but was in fact retrieving her license visible on the ground; a fact Officer Spees never gave her the opportunity to explain. What is more apparent is that Officer Spees was intentional in his manner of takedown to incapacitate the suspect rather than to engage in any de-escalation tactics, made clear by his statement *"You are not going to resist me."* The result of the violent takedown supports this conclusion. Moreover, if [REDACTED] was pulling away as Officer Spees described, his act of throwing her to the ground on her head with her hands handcuffed behind her back without first trying to de-escalate the situation is unjustifiable and inexcusable.

It is important to note that if this were the only sustained violation, I would have made the decision to indefinitely suspend Officer Spees for this alone, without consideration of the other violations in this Memorandum.

900.3.1 Honesty

Although I have significant concerns with manner in which Officer Spees wrote his report and described his acts in this case, I have decided that the preponderance of the evidence does not support a finding that Officer Spees was intentionally dishonest in this matter.

900.3.2 Acts Bringing Discredit Upon the Department

Finally, Officer Spees violation APD General Order 900.3.2. Officer Spees' interactions and use of force on [REDACTED] were observed by several members of the public. When Officer Spees approached the scene several members of the public were visible in his body-worn camera footage and hotel footage. In spite of the fact that [REDACTED] was obviously engaged in a heated discussion with people who were later identified as hotel staff, other people in the video appear to be unconcerned and did not appear threatened by the confrontation. When Officer Spees performed the takedown, [REDACTED]' hit impacting the pavement made an audible noise. It brought discredit to APD for multiple members of the public to witness Officer Spees' takedown of [REDACTED] and his objectively unreasonable use of force, which left [REDACTED]' blood on the pavement. It undermines APD's standing in the community for members of the public to believe that Officer Spees' actions were acceptable or tolerated by APD. Accordingly, those acts brought significant discredit.

It is important to note that if this were the only sustained violation, I would have made the decision to indefinitely suspend Officer Spees for this alone, without consideration of the other violations in this Memorandum.

Conclusion

Officer Spees' actions on December 7, 2024, represent an extreme departure from my expectations as the Austin Chief of Police. I would be doing a disservice to the community members of Austin if I retained Officer Spees for a multitude of individual General Order violations. Moreover, I have no reason to confidently trust his words for a multitude of reasons. The way officer Spees reacted to the intoxicated suspect in this case does not reflect an acceptable response from an 11-year veteran APD officer. The fact that Officer Spees refused to take accountability, purported [REDACTED]' threat level as an 8 out of 10 with 10 being the highest, the amount of deception and his callousness of reflection; that he would not have done anything substantially different after a person sustained severe injury during an interaction with him pursuant to the misdemeanor charge of public intoxication is reprehensible and not a reflection of the type of police force I intend to lead and develop. Moreover, the fact that Officer Spees used excessive force in public, in front of several people at the hotel, brought significant discredit to APD.

In making my decision, I carefully considered the information provided regarding Officer Spees' multiple commendations and his performance reviews. I acknowledge that Officer Spees has not previously been disciplined and that he has had a positive career with APD. Nonetheless, his failure to accept meaningful accountability for his actions leads me to conclude that I cannot trust Officer Spees' judgment and that he cannot continue as an APD officer.

Therefore, after careful deliberation and consideration of all of these factors, I have made the decision to indefinitely suspend Officer Spees.

By these actions, Officer Spees violated Rule 10.03(L) of the Civil Service Rules by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department Policy 200.2: Response to Resistance: De-Escalation**

200.2 De-Escalation

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 discretion is subject to supervisory review. It is the duty of supervisors to ensure that subordinates utilize the tactics and techniques required by this order. This de-escalation order is intended to complement, not replace or supersede, other portions of the APD General Orders or specific officer training that addresses de-escalation.

➤ **Austin Police Department Policy 200.4: Response to Resistance: Response to Resistance**

200.4 Response to Resistance

All responses to resistance must be objectively reasonable. In other words, another reasonable officer, faced with the same circumstances, could believe that the officer's response to resistance was reasonable based on the threat, level of resistance, and totality of the circumstances.

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears

necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

- (a) Assessment shall be ongoing – As the circumstances of a situation change, the force necessary to affect a detention, arrest, search, or transportation of a subject or to protect officer or other persons from imminent harm may also change. Officers will therefore need to re-evaluate their determination of the appropriate response to resistance as circumstances change.
- (b) Officer Discretion - Understanding that no order can realistically predict every situation an officer might encounter, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the objectively reasonable response to resistance in each incident.
- (c) Unless engaged in a lethal force encounter, officers are prohibited from using any of the following techniques: chokeholds, strangleholds, vascular neck restraints, or carotid neck restraints.
 - (1) Chokeholds and strangleholds are defined as applying direct or indirect pressure by any means to an individual's throat, windpipe, trachea, or airway in a manner that is reasonably likely or intended to prevent, reduce, or hinder the intake of air, block the ability to breathe, or compress the airway.
 - (2) Vascular and carotid neck restraints are defined as applying direct or indirect pressure to an individual's neck in a manner that is reasonably likely or intended to prevent, reduce, or hinder the blood flow to the brain through the vascular system or carotid arteries.
- (d) Improvising Permitted - Circumstances may arise in which officers reasonably believe that it would be impracticable or ineffective to use a standard tool, weapon, or method provided by the Department. Officers may find it more effective or practicable to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must still be objectively reasonable and used only to the extent which reasonably appears necessary to accomplish a legitimate law enforcement purpose.
- (e) Injury to Officer Not Required - While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone

involved, nothing in this order requires an officer to actually sustain physical injury before applying objectively reasonable force.

- (f) Reporting Required - Any complaint by a subject that an officer caused pain or injury shall be treated as a response to resistance force incident, except complaints of minor discomfort from unresisted handcuffing.

➤ **Austin Police Department Policy 402.2.4: Incident Reporting and Documentation: Report Writing**

402.2.4 Report Writing

- (a) All reports shall accurately reflect:
 - (1) The identity of the persons involved.
 - (2) All pertinent information seen, heard, or assimilated by any other sense.
 - (3) Any action(s) taken.
 - (4) Any property which the employee takes possession of, clearly documenting the:
 - (a) Events that led up to the taking possession of the property
 - (b) Purpose for taking the property
 - (c) Identification of the property by name and/or description
 - (d) Location where the property was taken
 - (e) Complete identifiers, as available, for anyone who may claim ownership of the property.
- (b) Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.
- (c) Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.
- (d) Sentences with proper structure should express complete thoughts. When writing the narrative portion of an incident report, personnel should avoid writing:
 - (1) Sentence fragments which do not convey or express a complete thought.
 - (2) Run-on sentences where two or more complete ideas are joined without punctuation.

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

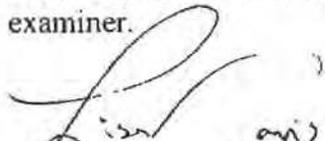
900.3.2 Acts Bringing Discredit Upon the Department

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is prejudicial to the good order, efficiency, or discipline of the Department.

By copy of this memo, Officer Spees is hereby advised of this indefinite suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) days after receipt of a copy of this memo, a proper notice of appeal in accordance with Section 143.010 of the Texas Local Government Code.

By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Officer Spees is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third-party hearing examiner, in accordance with the provisions of such Agreement. If appeal is made to a hearing examiner, all rights of appeal to a District Court are waived, except as provided by Subsection (j) of Section 143.057 of the Texas Local Government Code. That section states that the State District Court may hear appeals of an award of a hearing examiner only on the grounds that the arbitration panel was without jurisdiction or exceeded its jurisdiction, or that the order was procured by fraud, collusion or other unlawful means. In order to appeal to a hearing examiner, the original notice of appeal submitted to the Director of Civil Service must state that appeal is made to a hearing examiner.



LISA DAVIS, Chief of Police

12-3-25

Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of indefinite suspension, and I have been advised that if I desire to appeal that I have ten (10) calendar days from the date of this receipt to file written notice of appeal with the Director of Civil Service in accordance with the provisions of Chapter 143 of the Texas Local Government Code.

Joseph Spees #7796

Police Officer Joseph Spees #7796

12/3/25

Date