



MEMORANDUM

To: Director Gail McCant, Austin Police Oversight

Through: Commander Michael Burgeson, Austin Police

From: Chief Lisa Davis, Austin Police *LD*

Date: March 5, 2026

Subject: **Austin Police Response to 2024 Austin Police Oversight Annual Report**

The purpose of this memorandum is to provide a response to the [2024 Austin Police Oversight Annual Report](#) which includes specific recommendations to revise several Austin Police (APD) policies.

APD maintains an open and transparent policy framework and remains committed to accountability and clarity in both policy development and implementation. Our goal is to sustain a trusting and transparent working relationship with the Austin Police Oversight (APO) office and the community.

In support of this partnership, and in addition to the responses outlined below, APD has invited APO staff to participate in the monthly Policy Review Committee meetings. This participation is intended to further strengthen collaboration between agencies during the policy review and revision process.

Below we have outlined each APO policy recommendation made in 2024 along with a departmental response and implementation status where applicable.

APO Initiated Recommendations (Page 8 of annual report):

1. Camera System Use (Policy 303.4.2)

APO Recommendation:

Broaden APD policy language to cover additional circumstances in which Body-Worn Cameras must be used, and create a new, distinct policy governing how APD courtesy transports are recorded and managed.

Observation:

The Policy Revision Tracking Sheet maintained by APD does not reflect that this policy revision was initiated or implemented.

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APD Response:

APD policy currently addresses transportation procedures under General Order (GO) 1009.2(d)(2). That policy remains in effect and governs transports conducted by APD units including Patrol, Intelligence, the Violent Crimes Task Force, and Victim Services, when transporting a victim, witness, or suspect to an APD investigative unit office.

APD's camera use policy is comprehensive; however, it does not explicitly address all circumstances related to courtesy transports. As a best practice to limit liability and promote transparency, the use of Department-issued Mobile Audio Video (DMAV) systems during courtesy transports is recommended when feasible. Standard practice requires officers to notify dispatch when they are providing a courtesy transport.

Consistent with current policy, officers are permitted to discontinue recording when no adversarial interaction or enforcement action is anticipated. This allowance recognizes the non-investigative/non-enforcement nature of many courtesy transports.

The prior requirement to notify dispatch of specific starting and ending points during transports is no longer included in policy due to APD's enhanced equipment tracking capabilities and technological advancements, which provide sufficient documentation of vehicle movement.

2. Transport Vehicle Policy

APO Recommendation:

APD acquire additional transport vans equipped with prisoner transport inserts to ensure safer transportation of individuals, particularly those who exhibit physical resistance during arrest.

APD Response:

This recommendation relates to the purchase and outfitting of additional transport vehicles, rather than to a revision of existing policy. At this time, no policy changes have been identified as necessary to implement this recommendation. Any action taken would be operational in nature and contingent upon funding, procurement, and vehicle outfitting decisions. The department has two alternate prisoner transport vehicles available for use as circumstances dictate.

3. Supervisor Responsibilities (Policy 902.2.4)

APO Recommendation:

Remove language that excludes APO complaints from the standard supervisory review process.

APD Response:

At this time, no policy revisions have been identified that directly address this recommendation. A review of APD General Orders in effect during calendar year 2024 indicates that certain language was updated to reflect the absence of a labor contract; however, APD has not identified the specific provision referenced by APO that excludes APO complaints from supervisory review. Additionally, requiring supervisors to conduct a preliminary review of complaints received through APO may create unintended impacts on the integrity of subsequent Internal Affairs investigations.

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Maintaining a clear separation between supervisory review and externally initiated investigations helps ensure impartiality and preserves the integrity of the investigative process.

4. Outside Agency Assistance (General Order 362)

APO Recommendation:

Add explicit language to the General Orders to safeguard laws and civil rights when APD collaborates with outside agencies.

Observation:

This recommendation does not include a specific policy revision request.

APD Response:

No policy revision requests were initiated in response to this recommendation. APD's existing policy already establishes requirements that ensure compliance with applicable laws, including Civil Rights Laws, and departmental standards when working with outside agencies.

Current policy states, in part:

362.1 Purpose and Scope

The purpose of this order is to provide guidance to officers when requesting assistance or answering a request for assistance from another law enforcement agency.

It is the order of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention orders of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

362.2.3 Command and Coordination of APD Personnel

APD personnel shall not be placed under the command of any outside agency.

At the scene of an incident where APD personnel are working with officers from an outside agency:

- The ranking APD patrol supervisor shall assume command and responsibility of all assigned APD patrol officers.
- The ranking APD support unit supervisor shall assume command and responsibility of all APD support unit personnel.
- The responsible supervisors shall coordinate their efforts with each other and with the ranking supervisor of the outside agency.

Conclusion:

Based on this review, APD did not identify a need for additional policy language specific to this recommendation, as existing provisions already address legal compliance, command authority, and coordination responsibilities.

5. Drone Policy (Unmanned Aerial Systems)

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APO Recommendation:

Establish a standalone policy addressing APD’s use of drones (Unmanned Aerial Systems) to clarify operational rules, oversight, and accountability for drone deployment.

APD Response:

APD Risk Management is currently working with Special Operations on this matter. Drone use is restricted to specialized units only. The Standard Operating Procedures (SOPs) for each unit are the appropriate documents to define the rules, governance, and authorized applications of drone operations. Drones are considered a tool and resource exclusively available to specialized units.

6. Financial Responsibility (Policy 342.3.5)

APO Recommendation:

Clearer and more consistent enforcement of specific traffic regulations by officers.

APD Response:

This recommendation resulted in a policy revision request that was received on June 4, 2024, and subsequently published on September 6, 2024.

The current policy reads as follows:

342.3.5 Failure to Maintain Financial Responsibility

Officers must confirm drivers’ current proof of insurance per state law. When drivers do not have current proof of insurance on hand, officers shall make an inquiry through the TexasSure Database to confirm if the driver has insurance on file. The inquiry shall be performed on the MDC or through Communications by running a license plate check. If the TexasSure Database is not accessible during the stop, officers shall issue a citation with a note on the citation “SURE was down.”

[TexasSure](#) is a program created under [Texas Transportation Code Chapter 601, Subchapter N](#), to reduce the number of uninsured motorists in Texas. Local, county, and state law enforcement and vehicle registration offices use TexasSure to check if vehicles registered in Texas have auto insurance. TexasSure is a partnership between the Texas Department of Insurance, the Texas Department of Public Safety, Texas Department of Motor Vehicles, and Texas Department of Information Resources.

7. Hair Policy (Policy 924.3.1)

APO Recommendation:

Revise APD appearance standards for both male and female sworn employees in accordance with state law (CROWN Act) and include clear definitions to prevent ambiguity.

APD Response:

This recommendation resulted in a policy revision request that was received on August 14, 2024, and subsequently published on February 11, 2025. APD is in compliance with the CROWN Act. The current policy remains gender-neutral, referring to “employees” or “officers” rather than specifying male or female personnel.

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8. Off-Duty Law Enforcement Actions (Policy 364)

APO Recommendation:

Tighten APD standards and broaden requirements for reporting of officer off-duty actions.

APD Response:

No policy revision request was received in response to this recommendation. Current policy addresses reporting requirements as follows:

364.5 Reporting

In addition to contacting the appropriate agency, any off-duty employee who engages in any law enforcement activity shall notify, as soon as practicable:

- The employee's immediate supervisor if the supervisor is on-duty.
- Any on-duty supervisor when the employee's immediate supervisor is off-duty.

The notified supervisor shall determine whether a report should be filed by the employee.

The following four (4) recommendations are represented on Page 38, Appendix B, of the APO annual report, and do not include those already addressed above.

1. Chain-of-Command Responsibilities in Level 2, 3, and 4 Incidents (Policies 211.12-211.13)

APO Recommendations:

- 1. APO objects to APD's removal of review power from the Force Review Unit (FRU).**
APO objects to the current policy language, which limits the Force Review Unit (FRU) review power. Previously, the FRU could notify a chain of command of any "training issues and potential policy violations."
- 2. APO recommends that APD provide a concise definition.**
APO analysis indicates a need to clarify and define what an "observation" made by the FRU constitutes within this policy. The policy should clearly articulate what an "observation" is and specify the process of documenting "observations" for the chain of command to review.
- 3. APO recommends that APD add clarification to the policy.**
APO recommends that APD's policy cite where, in the General Orders, the chain of command should reference the "appropriate actions according to policy" related to potential observations articulated by the FRU.

APD Response:

The policies listed below have been modified (in number and content) with APD's updated Use of Force policy effective January 1, 2026. There are no longer Level 4 Incidents; instead, there are Reportable Incidents.

APD policy delineates responsibilities for incident reviews as follows:

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- Level 1 incident review packets are completed by the Special Investigations Unit (SIU).
- Level 2 and Level 3 incident review packets are completed by the FRU.

Regarding the handling of issues and observations in accordance with policy, commanders are aware, through training and experience, Policy 903 establishes a matrix that serves as a discipline guide. The term “according to policy” could mean too many things to adequately expound on it all in one area.

201.2.13:

The assigned FRU Sergeant will be responsible for the following:

- The FRU Sergeant shall review the primary reporting officer’s response to resistance incident report and change the 8400 title code to the appropriate 8402, or 8403 title code.
- Complete an Incident Review Packet (IRP) in AXON Standards, filling in all applicable fields to include:
 - All pertinent information relating to the subject’s resistance and the officer(s) use of force.
 - The findings of the investigation, including whether the use of force complies with the law and policy.
 - Any training issues, tactical concerns, equipment issues, or policy violations on the part of the involved officer(s), if applicable.

201.2.14:

If the FRU has routed any identified observations to an officer’s chain of command, the chain of command will review the observations, make the determination whether the observations are either a potential policy violation or a training/tactical/professional development issue and take the appropriate actions according to policy.

201.2.14.2:

Chain of Command (COC) Review regarding observations by FRU will be finalized by the chain of command as detailed below:

- Observations that are determined by the COC to be policy issues shall be finalized by the Commander (or designee).
- Observations determined by the COC to be training issues identified as part of a Level 3 or higher use of force shall be finalized by the Commander (or designee).

201.1.16 a:

Initial Actions – Supervisors notified of a Reportable Incident shall ensure all required notifications, documentation, and video categorizations are completed in accordance with this policy.

Supervisors are responsible for confirming the involved officer has:

- Completed an incident report associated with the originating event.
- Added Title Code 3514 – Reportable Incident to the front page of the incident report.

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- Selected the appropriate Reportable Incident category under the Study section of the incident report.
- Properly categorized all relevant body-worn and in-car video recordings.

201.1.16 d:

When appropriate, supervisors should provide coaching or debriefing to address tactical considerations or communication practices observed during the incident.

If a pattern or concern emerges from multiple Reportable Incidents, supervisors should document it through the appropriate performance-tracking process.

Supervisors should view these incidents as opportunities to reinforce best practices, improve report clarity, and ensure accurate data collection for trend analysis.

2. Taser Device Guidelines (Policy 208)

APO Recommendations:

1. Remove any reference to TASER X26 from the General Orders.
2. Specify that additional training is required anytime an officer upgrades from a TASER 7 to a TASER 10.

APD Response:

Both recommendations were implemented. The reference to the TASER X26 was removed, and the requirement for additional training when upgrading from a TASER 7 to a TASER 10 was added in August 2024.

3. Tire Deflation Device (Policy 214.6.2)

APO Recommendations:

1. APO recommends that APD omit language that appears to narrow the scope inadvertently. For example: If the pursued vehicle is, for example, transporting hazardous materials, or a school bus is transporting children, Officers and supervisors Shall (not should) weigh the potential risks and consequences against the need to immediately stop the vehicle.
2. APO recommends that APD address the safety of the officer deploying the TDD in policy.
3. APO recommends that APD rewrite 214.6.2(c) Pre-Pursuit TDD Deployment for clarity.

APD Response:

The safety of officers deploying TDDs is addressed during training and shift briefings and practices and is most appropriately left out of the General Orders policy. Current policy for 214.6.2(c) Pre-Pursuit TDD Deployment remains in effect and clearly outlines:

- Situations where pre-pursuit deployment may be appropriate.

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- Requirement for supervisor approval when practicable and verbal acknowledgement over the radio.
- Documentation requirements in the officer's initial report or supplement, including the approving supervisor's name or justification if approval could not be obtained.
- Conditions under which TDD deployment against moving vehicles is justified, including evidence supporting the reasonableness of deployment.

The existing policy provides structured guidance for pre-pursuit TDD deployment and documentation while balancing operational flexibility and officer discretion.

4. Low Speed Intervention (Policy 214.6.4)

APO Recommendations:

1. Provide a concise definition of Low-Speed Intervention (LSI).
2. Create training to address LSI.
3. Require lights and sirens to be activated before engaging in any LSI tactic.
4. Clearly outline the factors under which LSI tactics may be used.

APD Response:

Current policy for 214.6.4 Low Speed Intervention (updated January 1, 2026) reads as follows:

214.6.4 Low Speed Intervention

Low Speed Interventions (LSI) involve the deliberate use of a police vehicle to stop another vehicle by contacting the subject vehicle (not including tactical vehicle containment). Officers must exercise caution and sound judgement when deciding to engage in such actions. Low-speed interventions are considered a Response to Resistance and must adhere to department policies governing the application of force.

Low Speed Interventions may only be performed when all the following conditions are met:

- The subject vehicle is stopped or nearly stopped.
- The police vehicle is maneuvering at low speed to execute the intervention safely.
- The intervention is likely to reduce or eliminate risks associated with a pursuit starting or continuing.

Officers must consider the following prior to engaging in an LSI:

- The proportionality of the action relative to the threat posed by the subject vehicle.
- The likelihood of unintended consequences, such as vehicle damage, injury to occupants or bystanders, or escalation of the incident.
- Whether allowing the vehicle to leave or terminating the pursuit would present a safer and more reasonable course of action.

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Officers should make every effort to alert the suspect to their presence and intent to intervene by using both overhead lights and siren giving the operator of the suspect vehicle a reasonable opportunity to stop and comply with police authority.

Whenever practical, officers shall obtain supervisor approval before executing an LSI.

200.2.4 Definitions:

Low Speed Interventions (LSI) – The intentional use of a police vehicle to physically stop a moving vehicle through deliberate contact. LSIs are characterized by forceful contact intended to end a vehicle’s movement, such as ramming or blocking maneuvers used to disable or stop a fleeing suspect. Incidental or light contact to a non-moving vehicle for the purpose of containment, positioning or preventing escape—without causing the suspect vehicle to stop through force—does not meet the threshold of an LSI.

Conclusion:

A policy revision addressing these recommendations was submitted in May 2024. The status of this revision is under review and APD will continue to monitor and evaluate any necessary updates regarding LSI guidance and training.

External Compliments, Internal Commendations, and Internal Complaints

Definitions:

Compliments are positive interactions between a community member and an officer which are communicated to the APO team. These compliments are emailed to the APD Internal Affairs division and sent to the officer’s chain of command to provide the officer positive feedback.

Commendations are internal recognitions of a job well done. Some start from community members reporting something positive to APD and some come from internal observations.

Internal Complaints

The following is a list of the most common avenues for initiation of internal complaints:

- Possible misconduct of an employee learned of or observed by any department employee.
- A complaint initiated by an employee’s chain of command.
- Administrative inquiry at the direction of the Chief of Police.

Anonymous complaints that are not processed by the APO will be classified as internal complaints.

Administrative Inquiries are inquiries into a critical incident, or other incident, ordered by the Chief of Police or designee. Inquiries are generally for issues that could destroy public confidence in, and respect for, the department or which is prejudicial to the good order of the department.

Class A Cases are cases in which the potential discipline is more than a 15-day suspension, indefinite suspension and/or demotion according to the Discipline Matrix. Generally, Class A Complaints are allegations of a serious nature, which include, but are not limited to:

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- Criminal conduct.
- Serious violations of a General Order, rule, or regulation.
- Conduct that challenges the integrity, good order, or discipline of the department.

Class B Cases are cases in which the potential discipline is a 15-day suspension or less. Generally, Class B Complaints are allegations of a less serious nature, which include, but are not limited to:

- Less serious violations of a department General Order, rule or regulation (e.g., profanity, belittling language, inadequate police service, minor traffic violations).
- Negligent damage or loss of property.

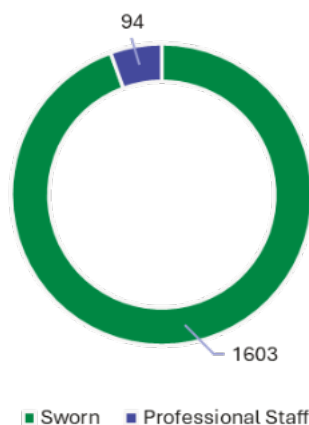
Supervisor Referral – Minor Policy Violation (SRMPV) Cases are incidents where no formal complaint affidavit has been received by Internal Affairs, however the complainant requests that the issue be brought to the attention of a supervisor. A minor policy violation normally results in Informal Discipline (an oral reprimand or less).

Information Incidents are where no apparent General Order violation has been committed and a signed affidavit has not been received. Information incidents may also be from complaints that are brought to the direct attention of a supervisor, handled satisfactorily and documented on an Internal Affairs External Complaint Contact Form.

2024 by the Numbers

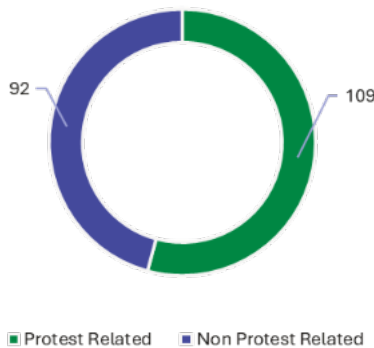
In 2024, there were a total of 344 commendations written, with many of these including multiple employees. Of the total 1,697 employees listed in these commendations, 1,603 were sworn police officers and the remaining 94 recognized were professional staff.

2024 APD Employees with Commendations



In 2024, the APO received and forwarded a total of 109 protest-related compliments and 92 compliments not related to protests.

2024 APD Compliments



Internal Complaints

Below is a summary of the numbers and types of internal complaints received in 2024. The difference in number of cases versus the number of officers listed is due to the potential of more than one policy violation occurring in a single reported incident.

- 34 Administrative Inquiries opened (for 29 officers total)
- 156 Class A complaints (for 42 officers total)
- 133 Class B complaints (for 99 officers total)
- 70 SRMPV cases (for 56 officers total)
- 10 Information Incidents (for 4 officers total)

Below is a summary of outcomes for internal complaints received in 2024.

Administrative Inquiries:

- 3 officers exonerated
- Remaining cases administratively closed with no discipline

Class A Complaints:

- 18 officers resigned/retired under investigation
- 3 officers indefinitely suspended
- 3 officers received suspensions ranging from 3 to 35 days
- Remaining officers received Formal Discipline (written reprimand or higher), Informal Discipline (oral reprimand or less), or no discipline because the final case status was inconclusive, unfounded, or exonerated.

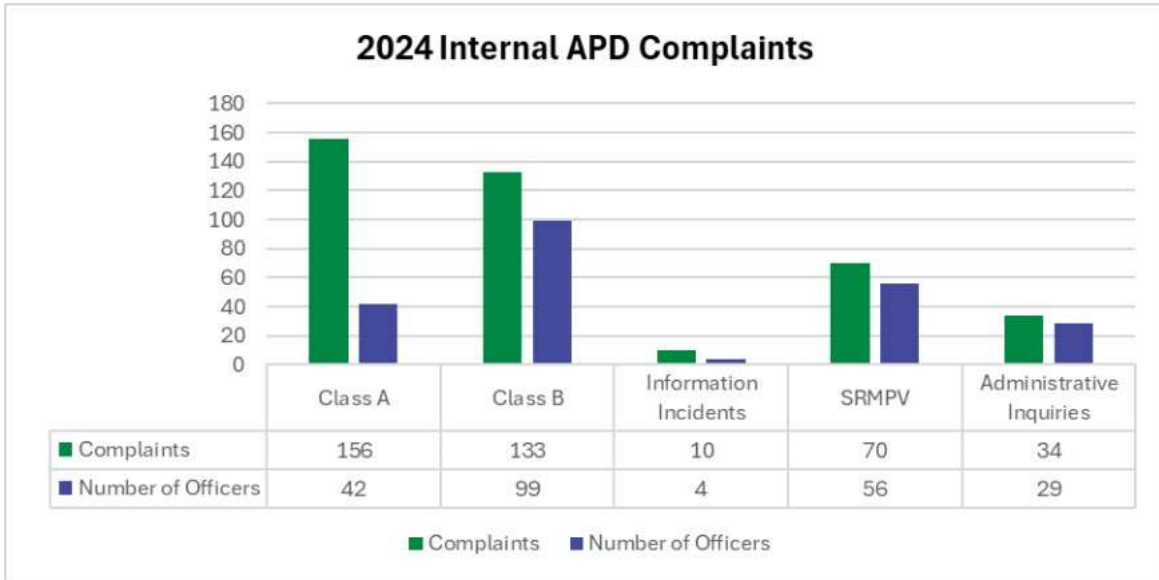
Class B Complaints:

- 1 officer received a 2-day suspension
- Remaining officers received a written reprimand or less

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SRMPV cases:

- 15 officers received an oral reprimand
- 23 officers received a Conduct Counseling Memorandum
- Remaining cases resolved through training, less serious discipline or remediation



APD appreciates the valuable work and partnership of APO in helping to build trust with the community through shared principles of open dialogue, equity, accountability and transparency.

Should you have any questions or concerns related to this response, please contact Michael Burgeson, Professional Standards Commander, at Michael.Burgeson@austintexas.gov.