

# Reimagining Public Safety

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RPS Co-Chair  
Public Safety Commission  
July 6, 2021



## Reimagining Public Safety Update

### RPS Review Teams and Leads

- **Equity Reinvestment in Community** - EDD (lead), Sylnovia Holt Rabb
  - **Services to Violence Survivors and Violence Prevention** - APH (lead), Akeshia Johnson-Smothers
  - **Public Health Reinvestment** - APH (lead), Laura La Fuente
  - **Reimagining 911 and Non-Crisis Response** - Emergency Communications, Ken Murphy (lead)
  - **Meaningful Community Engagement** - CPIO (lead), Keith Reeves
  - **Patrol & Surveillance/Patrol & Criminal Investigation** - APD (lead), Troy Gay
  - **Uprooting Punitive and Harm Culture** - Equity (lead), Brion Oaks
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# OFFICE OF POLICE OVERSIGHT

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## 8 Can't Wait Analysis

Anni-Michele Evans – Policy Compliance Consultant

Sara Peralta – Public Information & Marketing Program Manager

**Public Safety Commission**

July 6, 2021



[ATXPoliceOversight.org](https://ATXPoliceOversight.org)



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# Agenda

1. Background
2. Phase I: Policy Review & Recommendations
3. Phase II: Community Feedback
4. Phase III: Final Analysis and Report

# Background: The Why

Resolutions passed by Austin City Council in June 2020

## Resolution 96

“...funding for a process to **rewrite the Austin Police Department’s General Orders, in collaboration with** Offices that may provide policy guidance that aligns with the equity and oversight policy direction from Council, such as **the Office of Police Oversight, using national best practices and community input for the implementation of new guidelines...**”

## Resolution 50

“Strategies employed should **draw from best practices and campaigns designed to reduce and eliminate use of force incidents,** such as **8 Can’t Wait and Campaign Zero.**”

## Resolution 95

“The Council directs the City Manager to **ensure the City’s policies and policing policies conform to the policy directives and goals of the Council as stated in this Resolution...**”





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## Phase I: Policy Review & Recommendations

# Resolution 95 Provisions Guiding OPO's Analysis

Use 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 reasonable alternatives to prevent serious injury, or death or all reasonable alternatives have been exhausted.

- ✓ **Restrict shooting at moving vehicles**
- ✓ **Exhaust all alternatives before using deadly force**

APD General Orders requiring officers to intervene to stop improper or excessive uses of force by their fellow officers should be appropriately enforced.

- ✓ **Duty to intervene**

Use of force shall incorporate de-escalation tactics in all circumstances, and the response shall be proportionate to the seriousness of the offense and the threat of harm presented

- ✓ **Warn before shooting**
- ✓ **De-escalation**
- ✗ **Require a use-of-force continuum**

It is the stated policy of the City that the use of chokeholds and strangleholds -- broadly defined to include all maneuvers that involve choking, holding the neck, or cutting off blood flow in the neck -- is strictly prohibited as a policing tactic.

- ✓ **Ban chokeholds and strangleholds**

The City Manager shall ensure that revisions to such General Orders incorporate comprehensive reporting of uses of force and use of force threats.

- ✗ **Require comprehensive reporting**

# Background: The How

## Comparative Analysis

APD policy

-vs-

8 Can't Wait and police departments in the 100 largest U.S. cities that were part of the study

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City of Austin official position

## Additional Research

- ✓ Case law, statutes
- ✓ Scholarly articles and books
- ✓ Oversight reports
- ✓ Presentations from the National Association for Civilian Oversight of Law Enforcement
- ✓ Best practices as identified by the Police Executive Research Forum and the International Association of Chiefs of Police



# Key Findings

- Terms undefined
- Unclear policy language
- Unaligned with best practices & City of Austin's stated position
- Focus solely on deliberate non-compliance
- Lack of guidance for officers and decision-makers

# Key Findings Cont'd

- Chokeholds and strangleholds not banned
- Scope too narrow
- Inconsistent directives
- Real-world issues left addressed
- Lack of reporting requirements

# Example: Duty to Intervene

## 200.1.3 DUTY TO INTERCEDE

Any officer who observes another officer using force shall intercede to prevent further harm if the officer knows that the force being used is not objectively reasonable and the officer has a reasonable opportunity to prevent the harm. Such officers must also promptly report these observations to a supervisor.

### Issues with APD's current policy:

- Terms used are unclear or undefined
- No guidance on how officers are supposed to intervene
  - Scope is too narrow
- Hierarchical issues are not addressed
- Reporting requirements not defined



# OPO's proposed revisions

## 200.1.3 DUTY TO INTERVENE

Any officer who observes another officer use or prepare to use force that is not objectively reasonable or engage in any conduct that would constitute a violation of state law, federal law, or APD policy shall make every effort to safely intervene and stop the other officer. Any officer who fails to intervene in accordance with this policy shall be subject to discipline of the same severity as if they themselves engaged in the conduct in question.

- (a) This policy creates a duty in instances when, after an initial use of force, a continued application of force is no longer required.
- (b) Intervening officers shall make every effort to safely intervene by verbal and physical means as the situation requires; if verbal intervention is not enough to stop the act(s), intervening officers shall make every effort to safely intervene through physical means. Examples of physical intervention methods include, but are not limited to, the following:
  1. Physically positioning oneself in between the officer(s) whose conduct is in question and the other involved individual(s);
  2. Using physical force to remove an officer from a particular area; or
  3. Using physical force to stop an officer's physical contact with an involved individual.
- (c) Upon witnessing an incident creating a duty to intervene, officers shall immediately activate their body-worn camera systems if they are not already activated, and shall radio to dispatch that they have observed an incident requiring them to intervene to stop the actions of another officer.
- (d) Once intervention is no longer required, officers who witnessed or intervened in the incident must also immediately report their observations and involvement to a supervisor.
- (e) In situations when an incident report would already be required, officers who witnessed or intervened in the incident must include a detailed description of their involvement and the events surrounding the incident. In situations that would not otherwise require an incident report, this section creates a requirement. A detailed description includes, but is not limited to, the following information:
  1. Who was present (officers and civilians);
  2. The extent to which those present were involved;
  3. What occurred, when it occurred, and how it occurred.
- (f) Notwithstanding General Orders 110.4.3 and 110.4.4, this policy creates an affirmative duty to intervene regardless of rank or whether the intervening officer is of higher or lower rank than the officer(s) whose conduct is in question.
- (g) Regardless of their role during a call or original purpose for being in the vicinity, it is the duty of every on-scene witness officer to intervene unless and until the conduct in question has been stopped.
- (h) Examples of scenarios creating a duty to intervene include, but are not limited to, the following:
  1. Use of physical force that is not objectively reasonable;
  2. Escalating an encounter without a lawful, necessary purpose;
  3. Stops, searches, and arrests that are unconstitutional or violate APD policy;
  4. Theft or fraud;
  5. Use of racial slurs or epithets;
  6. Racial or bias-based profiling;
  7. Sexual assault;
  8. Harassment or sexual harassment;
  9. Misrepresentation or dishonesty; and
  10. Document falsification.





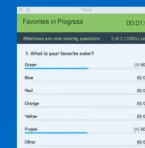
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## Phase II: Community Feedback

# Community Event Series

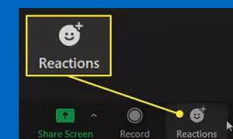
- Goal was to engage the community on OPO's policy recommendations
- Promoted on social media, news media, official COA channels
- Hosted four virtual events
- Included interpretation in Spanish and American Sign Language
- Collected feedback via poll and comment during the event series
- Approximately 60 people attended our events

## How to Participate



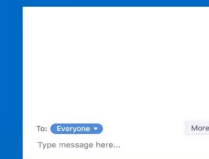
### Take a poll

Answer 2-3 short questions following each policy discussed.



### Raise your hand

Select the hand icon if you would like to speak for 1 minute.



### Comment

Share your thoughts with the group in the chat.



# Community Survey

- Digital survey hosted on SpeakUp Austin, City of Austin's hub for community feedback
- Promoted on social media, news media, official COA channels, and in-person outreach focused on Spanish-speaking community members
- Survey provided in English and Spanish
- Received responses from April 23 to May 31, 2021
- Received more than 1,400 survey responses





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## Phase III: Final Analysis and Report

## In Progress: Data Synthesis

- Team is currently reviewing more than 1,400 survey responses, including almost 2,100 qualitative responses
- Collaborating with the Reimagining Public Safety team to review data
- Final deliverable with final policy recommendations and findings from community feedback is expected to be published in Fall 2021
- After final report complete, next steps will be review by the City Manager's Office, City Council, and APD



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# Thank you



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