

## **Appendix: All CRP Recommendations issued in 2016 by date**

### **February 9, 2016: [2 recommendations]**

We ask you to consider whether other staffing models and crowd management tools -- for instance shorter DTAC tours before officers are rotated out into the other areas of the City and innovative "softer" crowd control techniques that have been successfully used by other police departments -- would better serve Austin's public safety and our frontline officers and supervisors.

### **February 12, 2016: [3 recommendations]**

1. Define more effective methods to de-escalate situations such as in this case.
2. Look at ways to apply measured use of force based on the situation at hand and to balance it with methods that aid in de-escalating situations.
3. CRP makes a strong recommendation to interview key witnesses to officer-involved shootings.

### **March 7, 2016: [1 recommendation]**

We respectfully request that you consider developing a policy or procedure to ensure that APD investigators seek and obtain statements from civilians who witness police action that is made the subject of a criminal or internal affairs investigation.

### **March 8, 2016: [1 recommendation]**

IAD investigative summaries regarding future investigations [should] list each civilian and law enforcement witness and briefly state either 1. Date said witness was interviewed by SIU and/or IAD, 2. IAD's attempts to locate and interview said witness, or 3. Reasons IAD found an interview of said witness unnecessary (for example, "relied on APD witness's incident report" or "civilian witness located too far from incident.")

### **March 18, 2016: [6 recommendations]**

1. Officer Geoffrey Freeman should be indefinitely suspended from APD immediately...[lists reasons]
2. Enhance APD policies and procedures to emphasize de-escalation before resorting to the use of force, and, in particular, deadly force:
  - a. This recommendation is in line with earlier ones that the CRP and OPM have made to you and we emphasize it again with greater urgency since we feel this tragedy was avoidable. There is a great sense of anger among various groups of Austin residents that if APD does not find a way to avoid incidents, such as the shooting of Joseph, APD runs the risk of alienation of the community which will diminish APD's ability to serve as "peace officers."
  - b. In situations such as this, APD officers should be required to seek the assistance of Mental Health Officers (MHO) to assist in de-escalating these events. In addition, the CRP urges that the APD utilize

psychologists and/or other professionals to provide enhanced training to APD officers on de-escalation methods.

c. During the public portion of this special meeting, we heard from numerous members of the community. One, in particular, recommended that a change in 911 calls is needed. Currently, 911 call takers open the call with: "Do you need police, fire, or EMS?" However, the CRP agrees with the citizen, that the option of mental health assistance should be added to the current options. The CRP has reviewed several incidents in which mental health issues were a common theme. The CRP has observed that individuals with mental health issues require special and specific response, and this change in 911 calls could help alleviate some of the unwanted outcomes due to the lack of appropriate response and action. Furthermore, this change could also benefit officers (including their safety) because it creates a more specific awareness of why the subject is acting in the manner reported, allowing them to prepare appropriately both in their mental and actual response.

d. The CRP also recommends that APD institute a task force to evaluate its policies and procedures and training to strengthen its tactics for de-escalation of critical situations such as this incident. We further recommend that this task force include not only senior APD officers but also senior officers from other police departments, academicians, and civilian residents of Austin.

3. Reassignment of training officer(s) at APD Training Academy based on testimony provided to the Special Investigation Unit (SIU):

a. APD officers such as the training officer referenced in the IA report should not be assigned to APD's Training Academy since their mind-set will likely propagate to new recruits that de-escalation need not be part of the tool-kit of new officers. Such a message diminishes the new officers' ability to serve well the good citizens of this great city. This is based on CRP's review of the transcript of SIU's interview of a defensive tactics training officer regarding APD's use of force training. This officer has been with APD for 14 years and has taught at the training academy for 10 years.

b. The CRP is concerned by the statements of this training officer during his interview:

i. When asked about whether it was acceptable for a cadet in training to back away from a subject with a knife who does not comply with the order to drop the knife, he stated "...That's an option...but if the cadet starts to back up, back up and take no action...then we will [stop the exercise and have discussion about what the cadet is thinking]. Here in Texas, here in APD, we don't have a duty to retreat, and we are not asking our officers to retreat all the way out the door and get back in their cars and go home. They need to take some kinda action."

ii. When asked whether any part of Freeman's response did not comply with APD's policy or training, he stated "None that I can think of other than...the choice of the pistol being the primary choice first is not something that we train, but it's not something that we don't train. So again that's up to the individual officer's choice. . . I can understand why he [Freeman] did that."

This implies that de-escalation is a practice that is actively discouraged and that escalation of situations is endorsed and encouraged.

c. SIU's solicitation of this type of testimony and any inclusion of it in the criminal investigation to be forwarded to the District Attorney's Office concerning Joseph's death is alarming to the CRP. Such

testimony undermines APD's written policies and, if true, is evidence of systemic problems with APD's use of force practices and tactics. Moreover, this testimony implies that APD does not train or encourage its officers to use de-escalation tactics and seems aimed at justifying Freeman's actions. In short, this testimony confirms the concerns of citizens of Austin, as expressed to the CRP, about APD having these exact systemic problems and lacking de-escalation training.

4. In conclusion, we want to applaud the thoroughness of the investigation by Sgt. Henderson and Commander South. In earlier letters to you, we have complained about the level of detail and the lack of sufficient witnesses in critical investigations. The level of detail in this investigation is exactly what we have been requesting and we recommend this investigation be used as a template for future investigations.

**May 5, 2016: No recommendations related to this incident.**

**July 19, 2016: [9 recommendations]**

1. APD should define, develop and train more effective methods to de-escalate situations such as in this case.
  2. APD should review and revise as necessary policies and protocols that deal with communications and coordination among responding officers when multiple officers respond to the same call for service.
  3. When there is no shift sergeant on duty and a corporal is in charge and handling supervisory duties, he or she should not have more than one shift to supervise.
  4. When a corporal is supervising a shift, area command lieutenants and watch commanders should be more closely monitoring activities of that shift.
  5. APD should review and revise its policies, practices, procedures and protocols for incidents when known individuals have had prior involvement with CIT, mental health providers or similar organizations so that appropriate mental health intervention is provided as a means to de-escalate the situation.
  6. APD and the 911 communications center should develop or revise its mental health protocols checklist that would require dispatchers and patrol officers to immediately call for an MHO, CIT and/or EMS when it is determined that an EDP is involved in the incident.
  7. APD should review and revise its civilian rider program to consider how much experience an officer should have prior to having civilian riders in their patrol cars, and consider if there should be restrictions on ride-along passengers based on the relationship between a patrol officer and a civilian rider, such as family members, friends and significant other that should be included in policy.
  8. Officer Murphy's action of charging an armed individual rather than continuing to de-escalate the situation and remain behind cover, thereby placing him in the possible line of fire from fellow officers should be considered for reprimand. There was little risk to officers until this unilateral action was taken.
- [9.] Additionally the need for patrol officers to have additional training for dealing with individuals with mental health issues is becoming evident, and perhaps it is time to rethink the entire CIT/MHO approach/program.

**August 12, 2016: [2 recommendations]**

The CRP, again, respectfully requests that you refrain from taking action which deprives the CRP of its right and ability to review officer involved shooting cases and make disciplinary recommendations of temporary or indefinite suspensions to you while you have the authority to impose such discipline.

Moreover, the CRP respectfully requests that you seek an Attorney General extension of the 180-day disciplinary deadline only when you have suspended the officer without pay, as that is the best evidence that you truly "intend to order an indefinite suspension" within thirty days of the final disposition of the officer's criminal matter.

**November 17, 2016: [2 recommendations]**

We recommend that you review and revise APD policy with regards to classification of Class D complaints, especially those involving excessive force. Specifically we recommend that excessive force complaints be reviewed by supervisors outside of the complained-of officers' chains of command in order to ensure that the classification is appropriate.

We repeat: [letter restates exactly previous recommendation to more quickly rotate officers off downtown beat]

Several paragraphs in this letter are blacked out by city legal, so there may be additional recommendations.

**November 29, 2016: [1 recommendation]**

We urge you to review department policy with regards to complaints against APD Commanders to ensure that those investigations conform to standards applied to rank and file officers.