



OFFICE OF THE DISTRICT ATTORNEY

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October 17, 2017

Brian Manley-Chief of Police
Austin Police Department
P.O. Box 689001
Austin, Texas 78768-9001

LETTER DECLINING PROSECUTION AFTER INVESTIGATION

RE: *Officer-Involved Shooting on April 14, 2016, by Austin Police Department Officer Leighton Radtke involving Tyler Harrell*

Dear Chief Manley:

The Office of the Travis County District Attorney (“District Attorney”) has reviewed the Austin Police Department Special Investigation Unit (APD SIU) investigation of the above-referenced matter and concluded our independent review of the officer-involved shooting in which Austin Police Department SWAT Officer Leighton Radtke fired his AR rifle in the direction of Tyler Harrell while executing a “no knock” search warrant at Harrell’s residence. The shooting did not result in injury. This letter is to inform you that the District Attorney declines to prosecute Officer Radtke for his actions during this incident.

The District Attorney monitored and reviewed the investigation of the Austin Police Department into this incident pursuant to the officer-involved shooting protocol that is attached/posted on its official website. A copy of this letter will also be posted on the District Attorney official website.¹

Tyler Harrell was charged with Attempted Capital Murder of a Police Officer, Aggravated Assault of a Peace Officer and Possession of a Controlled Substance with Intent to Deliver arising out of this incident, and his cases are pending.

The Civil Rights Division of this office has a policy of issuing declination letters setting out a thorough factual and legal analysis of the officer-involved shooting where the elected District Attorney has determined a grand jury review of the officer’s use of force is not necessary. However, when there are pending criminal cases arising out of these incidents, the accused’s right to a fair trial and prosecutorial

¹ <https://www.traviscountytexas.gov/district-attorney/cru>

ethical rules prohibit the release of information.² Therefore, our analysis will be published after the criminal matters against Mr. Harrell are resolved.

Very truly yours,


Margaret Moore

² Texas Disciplinary Rules of Professional Conduct 3.07(a). “The Rules of Professional Conduct state that trial attorneys have a duty to ensure a trial free from the taint of publicity by specifically prohibiting a lawyer from making statements that may materially prejudice an adjudicatory proceeding,” Edward L. Wilkinson, *Legal Ethics & Texas Criminal Law* 86 (2006)(citing Tex. Disciplinary R. Prof'l Conduct 3.07(a) & cmt 1).