

DISCIPLINE RECOMMENDATION

To: Chief Lisa Davis, Austin Police Department

From: Director Gail McCant, Austin Police Oversight

Date: May 15, 2026

Subject: **2026-00555 Discipline Recommendation**

Dear Chief Davis:

On March 1, 2026, Assistant Chief Michael Chancellor signed an internal complaint directing the Austin Police Department Internal Affairs Division (IAD) to conduct an Administrative Inquiry to determine if any violation of Department policy, Civil Service Rules, or State Law had been committed by APD Police Officers Keston Campbell, AP7203, Nicholas LaBarbera, AP8923, and Artur Markov, AP9946, regarding an officer involved shooting that occurred on March 1, 2026.

Disposition by APD Chain of Command

The Administrative Inquiry was placed on hold pending litigation in the Travis County District Court, which was settled on March 4, 2026, when charges against each officer were declined by a No Bill.

On March 13, 2026, APO was notified by IAD that the investigative case file had been forwarded to the officers' chain of command for disposition. At the time of this memo, no Notice of Sustained Allegation (NOSA) or Control Sheet was available for APO review.

The Administrative Inquiry involved the investigative review of the following General Order:

- APD Policy 202 Firearm Discharge Situations

APO Disposition Recommendation: Exoneration & Administrative Closure

Upon reviewing the investigative file, I believe IAD conducted a straightforward and unbiased investigation by collecting and analyzing the pertinent information surrounding the incident.

The investigation confirms that Officers LaBarbera, Campbell, and Markov were involved in the use of deadly force involving the discharge of their firearms. The subject officers and multiple witnesses were interviewed and described the incident. Officers became involved with the suspect during an outdoor active shooter incident. Officers were dispatched to an active shooter call, where the suspect was actively shooting at people when the officers arrived at the scene. Officers immediately returned fire at the suspect until his deadly conduct ended. The suspect sustained multiple gunshot wounds and died as a result of the use of force.

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The Administrative and Special Investigations Unit investigation revealed that Officer LaBarbera used deadly force by discharging his firearm at the suspect. During the IAD interview, Officer LaBarbera told IAD that he was working overtime downtown when he heard dispatch broadcast a shooting call on W. 6th Street. He stated that he and Officer Campbell responded to the call as a two-person crew. He stated that upon arrival, he heard gunshots coming from the west. He stated that he knew they had to respond to stop the killing.

Officer LaBarbera stated that as he and Officer Campbell moved down the sidewalk toward the gunshots, the suspect appeared out of nowhere, holding an AR-15. He stated he illuminated the suspect with the light on his rifle. He stated the suspect raised the AR-15 and began shooting toward him and Officer Campbell. Officer LaBarbera stated he returned fire, shooting his patrol rifle at the suspect until the threat ended.

Officer LaBarbera stated during his IAD interview that he did not have time to give the suspect commands because *“He was discharging his firearm at us, sir.”* He also stated there was no time for de-escalation because the suspect was shooting at them. Officer LaBarbera stated he fired his rifle because *“The male suspect was exhibiting deadly force. He had just shot multiple people at Buford's. He exhibited deadly force towards me, and I believe that it was necessary to use deadly force against him to stop that threat.”*

The Administrative and Special Investigations Unit investigation revealed that Officer Campbell also used deadly force by discharging his firearm at the suspect. During the IAD interview, Officer Campbell said he was working overtime downtown when he heard a call dispatched over the radio. He stated he did not initially hear the specifics because of the noise but soon realized there was an active-shooter situation. He stated that he and Officer LaBarbera responded to the active-shooter scene as a two-person crew. He stated he was trying to get people out of the crossfire, and people were directing him and Officer LaBarbera toward the suspect. Officer Campbell stated he observed the suspect walking toward them, holding a rifle, and pointing directly toward them. He stated the suspect began shooting at them, and he (Campbell) returned fire toward the suspect until the suspect stopped shooting.

Officer Campbell stated he did not have time to give the suspect commands because, *“As soon as I said, 'hey, he started firing at us immediately. Did not try to exchange any words with us, did not try to negotiate. He just started firing.”* IAD asked Officer Campbell why he made the decision to shoot, and he responded: *“I made the decision to shoot because, one, I was fearful that the person that was indeed firing upon me wanted to kill me. And if I were to have fallen, then he would have gone on to try and kill multiple people that were still in the area. I shot at him because he was indeed presenting a threat to the public and my role as a police officer is to stop any threat towards the public.”*

IAD asked Officer Campbell if they had time to consider any other force options or time to de-escalate, and he stated, *“As soon as he saw us and as soon as we realized he was indeed the*

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person we were looking for, nobody had any time to say anything because I believe as soon as he recognized that we were the armed police, he took action and started shooting at us first.”

The Administrative and Special Investigations Unit investigation revealed that Officer Markov also used deadly force by discharging his firearm at the suspect. During the IAD interview, Officer Markov said he was also working overtime downtown when he heard the active-shooter call being dispatched over the radio. He stated that while he was securing the scene, he was approached by a witness who provided information about the suspect. He stated he then began hearing gunshots, and he ran toward the shots. He stated that as he ran toward the shots, he observed the suspect firing a rifle. Officer Markov stated he ran past people to get to the suspect and then fired at the suspect. He stated he handcuffed the suspect when the suspect went down.

Officer Markov was asked if he gave commands to the suspect, and he stated, “*Not before I discharged my firearm because he was actively discharging his rifle.*” IAD asked Officer Markov why he made the decision to shoot, and he stated: “*To stop the threat. I believed if I would not engage, more people would get hurt and die.*” When asked if he had time to de-escalate, Officer Markov stated, “*No, sir. He was actively discharging his firearm.*”

The investigation case file shows that officers attempted to provide first aid to the suspect after he had been shot by officers.

I believe the officers’ actions were within policy, as deadly force was utilized to stop a suspect armed with a rifle and indiscriminately firing at innocent people. The actions of the suspect seen on BWC footage show officers did not have the opportunity to give commands before the use of deadly force. I also believe the officers did not have the opportunity to initiate de-escalation tactics because the armed suspect was an active threat.

Based on the above factors, I recommend **Exoneration** for each officer and administrative closure of the case. I believe the heroic actions and responses of the officers responding to this incident saved countless lives.

In compliance with Section 2-15-5(B) of the City Code, I request that the Chief “provide a detailed public, written explanation if the Chief does not follow a recommendation of the Office of Police Oversight to impose discipline.”

Sincerely,

Gail McCant Digitally signed by Gail McCant
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Gail McCant
Director
Austin Police Oversight