

## DISCIPLINE RECOMMENDATION

**To:** Chief Lisa Davis, Austin Police Department

**From:** Director Gail McCant, Austin Police Oversight

**Date:** May 13, 2026

**Subject:** **2025 – 2338 Discipline Recommendation**

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Dear Chief Davis:

On September 21, 2025, Austin Police Oversight (APO) received an online complaint, Case No. 2025-2338, alleging that Austin Police Department (APD) Police Officer Henry Guerra (AP 9563) was unprofessional during his interaction with the complainant. The complainant requested that the complaint be processed as a Supervisor Referral and cited their main concerns as Officer Guerra being discourteous and failing to conduct an adequate investigation.

On September 25, 2025, APO forwarded the complaint to the Internal Affairs Division (IAD) as a Notice of Complaint due to the seriousness of the allegations.

### Disposition by APD Chain of Command

On January 21, 2026, APO was informed that IAD sent the summary to Officer Guerra's chain of command. On January 28, 2026, APO requested that the Internal Affairs Division take additional investigative steps to address APD General Order(s) 401.2 Initial Response and Investigation and 900.4.3 Neglect of Duty. At the request of Officer Guerra's chain of command and APO, IAD conducted a follow-up interview with Officer Guerra on April 1, 2026, to address the additional potential policy violations.

APO became aware that IAD forwarded the updated summary to Officer Guerra's chain of command on April 30, 2026. At the time of this recommendation memo, the Notice of Sustained Allegations (NOSA) or Control Sheet was not available to APO. IAD reviewed the following APD General Orders (GO) as part of their investigation:

- 301.2 Impartial Attitude and Courtesy
- 401.2 Initial Response and Investigation
- 900.4.3 Neglect of Duty

### APO Disposition Recommendation: Sustained & Written Reprimand

Upon reviewing the investigative file, I believe IAD's first interview failed to address pertinent information regarding Officer Guerra's lack of investigative actions and potential policy violations identified by APO. Additionally, I believe the information gathered from the subsequent interview with the subject officer provided better context to fully address Officer Guerra's conduct.

## DISCIPLINE RECOMMENDATION

On September 21, 2025, Officer Guerra responded to a Nature Unknown urgent call about noises of a woman screaming for help and banging on the wall from inside an apartment. After arriving, Officer Guerra contacted the complainant, who shared his concerns related to the woman's safety, including her being a potential victim of sexual assault. As Officer Guerra knocked on the door, a woman could be heard screaming and cursing from within the apartment. Eventually, a man exited the apartment, and Officer Guerra asked him if he was okay. Officer Guerra then allowed him to leave without attempting to identify him or gather information about what was occurring in the apartment. A woman then appeared at the door in a disheveled state, with her breast exposed and seemingly distraught. Officer Guerra made several attempts to ask the woman if she was okay, but he did not receive a clear answer. The woman then slammed the door and told Officer Guerra to go away.

As Officer Guerra was leaving, the complainant expressed his frustration with Officer Guerra's lack of investigative action, including allowing the man to leave the apartment without questioning him. Officer Guerra then engaged in an argument with the complainant about the specifics of the incident and actions taken. Officer Guerra provided the complainant with his name and badge number verbally but prohibited the complainant from documenting the information on paper.

On December 9, 2025, Officer Guerra was interviewed by IAD addressing APD GO 301.2 Impartial Attitude and Courtesy. During this initial IAD interview, Officer Guerra admitted to violating APD GO 301.2 Impartial Attitude and Courtesy, stating he engaged in an argumentative discussion with the complainant and could have exercised more patience during their interaction. In the course of their duties, officers are expected to exercise tact and engage with community members in a professional manner. Officer Guerra's interaction with the complainant lacked professional decorum and was discourteous.

During his follow-up interview, Officer Guerra acknowledged he "*should have identified or talked*" to the male seen exiting the apartment, stating he could've potentially provided information regarding the incident. Officer Guerra denied violating APD GO 401.2 Initial Response and Investigation, stating that because he responded to the scene and everyone was safe, he did not believe he violated this policy. His response neglected to address his duty to make a preliminary determination if a crime had been committed as part of his initial response and investigation. When asked if he believed he violated APD GO 900.4.3 Neglect of Duty, Officer Guerra stated, "*Yes. In a manner.*" He explained he could see how it might be perceived that he had violated the policy because it was a failure to take appropriate action by not identifying or speaking to the male. Given his responses, it appears Officer Guerra failed to accept full accountability for his failure to investigate.

Considering the totality of the circumstances, Austin Police Oversight recommends that APD GO 301.2 Impartial Attitude and Courtesy, 401.2 Initial Response and Investigation, and 900.4.3 Neglect of Duty be **Sustained**, and that Officer Guerra be issued a **Written Reprimand**.

## DISCIPLINE RECOMMENDATION

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  
Date: 2026.05.13 09:57:19 -05'00'

Gail McCant  
Director  
Austin Police Oversight

