

DISCIPLINE RECOMMENDATION

To: Chief Lisa Davis, Austin Police

From: Director Gail McCant, Austin Police Oversight

Date: April 14, 2026

Subject: 2025-01673 Discipline Recommendation

Dear Chief Davis:

On July 8, 2025, Commander Jamie Jobes forwarded an Internal Complaint Memorandum to the Internal Affairs Division (IAD) requesting that an Administrative Investigation be conducted to determine if Officer Brian Bustos, AP9417, complied with Austin Police Department (APD) policy, Civil Service Rules, Municipal Civil Service Rules, and State law. The complaint alleged that Officer Bustos received a Notice to Appear for arraignment in the offense of Deadly Conduct in Guadalupe County.

On August 8, 2025, Commander Jobes forwarded a subsequent Internal Complaint Memorandum to IAD, alleging that Officer Bustos may have been contacted by local law enforcement more than once. Additionally, Officer Bustos may have been shooting his department-issued firearm during one of the incidents.

Disposition by APD Chain of Command:

On March 27, 2026, the completed IAD summary was forwarded to Officer Bustos chain of command. At the time of this recommendation, APO has not received the Notice of Sustained Allegations (NOSA) or the control sheet from Officer Bustos' chain of command. The Internal Affairs Division (IAD) reviewed the following APD General Orders during their investigation:

- 900.1.1 Responsibility to Know and Comply
- 900.3.2 Acts Bringing Discredit Upon the Department
- 908.4 Reporting Procedure

APO Discipline Recommendation: Sustain, 1-5 Suspension Days

Upon reviewing the investigative file, I believe IAD conducted a straightforward and unbiased investigation that collected and analyzed the pertinent information surrounding the incident.

On January 15, 2025, an Investigator with the Guadalupe County Sheriff's Department attempted to contact Officer Bustos by telephone, but he was unsuccessful and left a voicemail. On January 22, 2025, the investigator successfully made a telephone call to Officer Bustos. During their conversation, the Investigator explained he was gathering information in relation to an incident involving a nearby residence being struck by gunfire. Officer Bustos reported he was out of town

DISCIPLINE RECOMMENDATION

when the incident occurred and denied shooting a firearm on his property that day. On January 23, 2025, the case was closed because a suspect could not be identified.

On February 15, 2025, the Guadalupe County Sheriff's Department responded to a shots-fired call for service. Officer Bustos and his children were ultimately identified as the source of the gunfire. The Deputy assigned to the call made in-person contact with Officer Bustos. During the contact, Officer Bustos confirmed he was shooting on the property and allowed the Deputy to observe the berm he was shooting into on his property, as well as the firearm he used that day. At the conclusion of the deputy's investigation, Officer Bustos was listed as the suspect, and Class A misdemeanor charges for Deadly Conduct were subsequently filed with the Guadalupe County Clerk's Office on June 12, 2025, stemming from the February 15 incident.

On January 28, 2026, Officer Bustos entered a plea of Nolo Contendere to a Class C misdemeanor charge of Disorderly Conduct and was placed on deferred disposition for 90 days. Officer Bustos' Class A Misdemeanor charge for Deadly Conduct was subsequently dismissed.

During his interview, Officer Bustos maintained he was lawfully discharging his firearm on "*property that had been established and utilized as a firing range by a certified firearms instructor,*" and denied engaging in criminal conduct. Officer Bustos denied being aware that he was listed as a suspect in the February incident. He stated he became aware he was a suspect in the February incident when he received a summons on July 5, 2025. Officer Bustos stated he notified his chain of command when he received the summons.

During his IAD interview, Sgt. Nathan Blake, AP7046, recalled Officer Bustos contacted him sometime in, "late winter," to disclose he had contact with law enforcement. Sgt. Blake stated he did not think Officer Bustos was a suspect and believed it was a civil matter between neighbors, therefore he did not follow up or notify his chain of command. Sgt. Blake confirmed Officer Bustos contacted him on July 5, 2025, to notify him that he had received a summons. Sgt. Blake stated he made notifications to his chain of command at that time.

Based on the findings, I believe there is insufficient evidence to conclude Officer Bustos violated APD GO 908.4 Reporting Procedure and 900.1.1 Responsibility to Know and Comply. Therefore, I recommend a finding of **Unfounded** for these policies.

By entering a plea of Nolo Contendere to the Class C misdemeanor charge of Disorderly Conduct, Officer Bustos was convicted of a criminal offense under the Texas Penal Code. I understand the plea was not an admission of guilt and the charges have subsequently been dismissed, however, the plea did result in a criminal conviction. As representatives of the Department, officers are expected to uphold the highest standard of conduct and obey the law, both on and off duty.

Based on the findings, and disposition, I concur with the Class A classification and recommend the finding of **Sustained** for violating GO 900.3.2 Acts Bringing Discredit Upon the Department. I further

DISCIPLINE RECOMMENDATION

recommend that Officer Bustos receive a **1–5 day suspension**, credited to the unpaid leave already served in relation to these charges, thereby preserving the intended disciplinary outcome without imposing an additional financial penalty.

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

Director

Austin Police Oversight

