



DISCIPLINE RECOMMENDATION

TO: Chief Lisa Davis, Austin Police Department
FROM: Director Gail McCant, Office of Police Oversight
DATE: April 29, 2025
SUBJECT: 2025-0222 Discipline Recommendation

Dear Chief Davis:

On March 18, 2025, the Office of Police Oversight (OPO) received an external citizen complaint, 2025-0222, alleging that Austin Police Department (APD) Officer Nicholas Locken (AP9454) used excessive force against a citizen during an arrest on March 2, 2025. The OPO also received an additional 16 complaints regarding the same use-of-force incident.

On March 19, 2025, due to the seriousness of the allegations, and no firsthand witnesses being identified, the complaint was forwarded to APD's Internal Affairs Division as a Notice of Complaint without a formal affidavit.

Disposition by APD Chain of Command

On April 2, 2025, OPO was notified that APD's Internal Affairs Division had classified their investigation as a Class D. The complaint was subsequently administratively closed with a memo signed by Officer Locken's Chain of Command on April 4, 2025.

OPO disagrees with the administrative closure for the following APD General Order:

- 200.4.1 Determining the Objective Reasonableness of Force

OPO Disposition Objection:

Upon review I find that the Internal Affairs Division (IAD) did not conduct a sufficiently thorough investigation to justify the "Administratively Closed" classification and disposition in this case. While the take-down maneuver employed is an approved Austin Police Department (APD) tactic, it does not appear that Officer Locken considered the elements outlined in General Order 200.4.1, *Determining the Objective Reasonableness of Force*, when initiating the force used.

Specifically, Officer Locken failed to engage in required de-escalation techniques and did not adequately weight the likelihood of causing injury to an apparently intoxicated subject. As a result, I find that Officer Locken's use of force constitutes a violation of APD General Order 200.4.1. Due to the nature of the violation of APD General Orders, I object to the Class D administrative closing. Considering the totality of the circumstances and in alignment with APD's General Orders discipline matrix, The Office of Police Oversight recommends the complaint be Sustained and Officer Locken receive suspension between 1-5 days, with no eligibility for Educational Based Training (EBT).



OFFICE OF POLICE OVERSIGHT

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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 for not following a recommendation of the Office of Police Oversight.”

Sincerely,

Gail McCant
Director
Office of Police Oversight

