

DISCIPLINE OBJECTION

To: Chief Lisa Davis, Austin Police Department

From: Director Gail McCant, Austin Police Oversight

Date: May 13, 2026

Subject: **2025 – 1839 Discipline Objection**

Dear Chief Davis:

On July 18, 2025, Commander Michael Burgeson forwarded an Internal Complaint Memorandum to the Internal Affairs Division (IAD) requesting that an Administrative Investigation be conducted to determine if Officer Derrick Lehman, AP6794, complied with Austin Police Department (APD) policy, Civil Service Rules, Municipal Civil Service Rules, and State Law. The complaint stated, “On May 11, 2025, at approximately 5:31pm, officers from the C400s patrol shift responded to a Disturbance Urgent call for service on Town Lake Circle. Upon arrival, Officer Derrick Lehman #6794 located the suspect on a stairwell and began to give him commands. Officer Lehman deployed his taser on the suspect during the incident. The suspect was later transported and admitted to the hospital because of the response to resistance.”

Disposition by APD Chain of Command:

On May 5, 2026, APO was notified that IAD had forwarded its complete summary to Officer Lehman’s chain of command. On May 11, 2026, APO was notified that the APD Special Investigations Unit (SIU) received a Case Closure Memorandum from the Travis County District Attorney’s Office, citing that the case’s disposition was rejected in the interest of justice and that APD would close the case with a Sustained disposition for the below violation, and an Oral Reprimand would be imposed. The Internal Affairs Division reviewed the following APD General Orders during their investigation:

- 208 Taser Use Guidelines

APO Discipline Recommendation: Sustain, 3–5 Suspension Days

Upon reviewing the investigative file, I communicated to you in a memo dated May 8, 2026, that “*I believe IAD conducted a straightforward, unbiased investigation that collected and analyzed pertinent information regarding the incident; however, the policies violated during the investigation are not adequately identified in the summary. I believe there were clear policy violations for: **200.2 Use of Force Policy; 200.2.3 Criteria Evaluating Use of Force; 200.3.6 Verbal Warnings Required; and 200.4 Subject Resistance.***”

While these policies were not specifically identified by IAD for investigation, nor are they mentioned on the Control Sheet, the IAD investigative file clearly indicates that they were violated by Officer

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Lehman. I do not believe these policy violations were considered when the decision to assess an oral reprimand was made. At the time Officer Lehman used force on the subject, the subject was not armed, nor did he appear to be a threat to the officers. At the time of the Taser deployment, the subject was slowly walking toward the officers and away from the apartment. Officer Lehman did not provide a verbal warning before deploying the Taser. Officer Lehman had sufficient time and distance to clearly see that the subject was not armed, was shirtless, had both hands clearly visible, and was not presenting in a threatening manner.

Officers are well-trained in the application of force, de-escalation, and the use of force that is objectively reasonable, necessary, and proportional to the threat or resistance. I do not believe Officer Lehman complied with the additional policies identified in his assessment of this encounter, and this should have been considered in the disciplinary decision.

Again, after reviewing the IAD digital case file, I believe Officer Lehman's actions clearly violated APD General Orders regarding Use of Force. I believe his decision to use force in this situation falls below the standards officers are expected to uphold. I recommend the additional findings of Sustained for General Orders 200.2 Use of Force Policy; 200.2.3 Criteria Evaluating Use of Force; 200.3.6 Verbal Warnings Required, and 200.4 Subject Resistance, and that Officer Lehman be assessed **3-5 suspension days, with no eligibility for EBD.**

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