

DISCIPLINE RECOMMENDATION

To: Chief Lisa Davis, Austin Police Department

From: Director Gail McCant, Austin Police Oversight

Date: May 8, 2026

Subject: **2025 – 1839 Discipline Recommendation**

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 5:31 p.m., 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 due to 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. At the time of this recommendation, APO has not received the Control Sheet or Notice of Sustained Allegations (NOSA) from Officer Lehman’s chain of command. 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. 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 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
- 200.4 Subject Resistance

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The file confirms that Officer Lehman observed the subject kicking an apartment door, as if attempting forced entry. Officer Lehman and another officer contacted the subject. Officer Lehman announced himself as an Austin Police officer, and the subject is observed via body-worn camera (BWC) walking toward the top of the stairwell. Officer Lehman is heard telling the subject, “Show me your hands, show me your hands,” as he pointed his Taser toward the subject. In the background, another voice states, “Put your hands up.” As the subject slowly walked toward the top of the stairs, you can see his right hand was at his chin area and his left hand was bent across his torso, and he was unarmed. Officer Lehman announced, “Austin Police,” and simultaneously fired his Taser, striking the male subject. The subject immediately fell face-first down the stairwell, striking his face on the concrete stairs. The subject sustained facial trauma because of the use of force by Officer Lehman. Both officers provided medical aid to the subject until Emergency Medical Services arrived.

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.

During his interview with IAD, when asked what led to his actions, Officer Lehman stated, “*The driving factor in this situation was that we had a suspect that was known to be armed with a knife and that he was actively trying to force entry into an apartment that he did not live, that was being occupied by, according to the call text, a woman and her children... The most immediate goal was to prevent the suspect from entering that apartment and harming someone. The secondary goal was keeping both Officer Morgan and I safe*”. He added, “*My immediate concern was for the public safety, specifically the residents inside the victim's apartment. As far as officers' safety is concerned, that became a concern as soon as the suspect failed to follow commands immediately and began advancing towards officers and closing the distance*”. When asked why he deployed his Taser, he stated, “*... to prevent him from going back to that apartment and trying to force entry, as well as preventing him from harming officers.*” At the time of the Taser deployment, the subject was slowly walking toward the officers and away from the apartment.

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 findings of “Sustained” for GO 208 Taser Use Guidelines, 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

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Director
Austin Police Oversight

