

DISCIPLINE RECOMMENDATION

To: Chief Lisa Davis, Austin Police Department

From: Director Gail McCant, Austin Police Oversight

Date: February 5, 2026

Subject: **2025-2317 Discipline Recommendation**

Dear Chief Davis:

On September 9, 2025, Commander Craig Smith forwarded an internal complaint memorandum to IAD, requesting that the Austin Police Department (APD) investigate Police Officer Moses Arce, AP8339, for his failure to take appropriate actions while responding to a call for service.

Disposition by APD Chain of Command

On January 15, 2026, APO was notified that Officer Arce's chain of command had scheduled a Discipline Review Hearing (DRH) with him on February 6, 2026. The DRH has since been rescheduled to March 6, 2026. As of today, APO has not received the Notice of Sustained Allegations (NOSA) from Officer Arce's chain of command. The summary completed by APD Internal Affairs Division investigated the following General Order allegation(s):

- 900.4.3 Neglect of Duty

APO Discipline Recommendation: Sustain and 1-Day Suspension (EBD)

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

Officer Arce responded to a Check Welfare Urgent call regarding a vehicle accident in a parking lot. Upon arriving, Officer Arce encountered a male and a female near the vehicle. The vehicle had front-end damage and was parked mostly over the curb, in the bushes, and perpendicular to a major thoroughfare. During his interaction with the individuals, Officer Arce noticed erratic behaviors by the male, who gave incoherent responses and seemed unsure of his movements. While Officer Arce attempted to communicate with the female, the male tried to enter the vehicle by repeatedly pulling on the driver's door. The male eventually opened the door and attempted to flee the scene in the vehicle. The male turned the ignition on and revved the engine loudly. Officer Arce attempted to stop him and pull him out of the vehicle. I believe it's reasonable to think that Officer Arce had sufficient evidence to detain and secure the male at that time, but he did not.

During his IAD interview, Officer Arce admitted that, at this point during the interaction, he was concerned about the male being intoxicated and attempting to drive the vehicle while impaired.

DISCIPLINE RECOMMENDATION

Officer Arce also mentioned that, at this point, it was “probably the most opportune time” to detain and secure the male in handcuffs.

The individual then attempted to access Officer Arce’s patrol vehicle by pulling on the driver's side door. Officer Arce attempted to communicate with the male but did not take any action to detain and secure him. The male then paced around the parking lot, and Officer Arce observed from a distance while awaiting backup. I believe the male's observed actions at this point would justify Officer Arce's detention for his own safety and that of those around him.

During his IAD interview, Officer Arce stated that he believed the male was attempting to gain access to potentially leave the scene. Officer Arce also acknowledged that, at this point in the interaction, the male was not following any commands and was a danger to himself. Officer Arce stated that he was waiting for backup to arrive before attempting to detain and secure the male, but I believe this is insufficient justification, given the male's actions and the dangers he posed.

The male then began to jog slowly out of the parking lot and towards the frontage road. Officer Arce slowly followed him but made no meaningful attempt to stop, detain, or secure him. The male then ran across the frontage road and was almost struck by a passing vehicle. The male continued to run and stopped near the access road to a major highway. At this time, another officer arrived on scene and kept an eye on the male while Officer Arce returned to the parking lot. The accompanying officer pursued the male back towards the parking lot, where he was eventually detained with the help of Officer Arce.

During his interview, Officer Arce stated that he believed he violated policy by failing to take appropriate action. Officer Arce stated that he had multiple opportunities to detain the male before the male fled the parking lot.

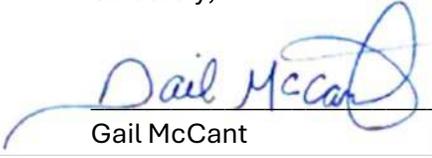
I believe Officer Arce’s failure to act appropriately created a situation that compromised the safety of the male and those around him. Although Officer Arce intended to handle the situation delicately, given concerns for the individual’s mental health, I believe he failed to act in his capacity as a peace officer by not taking appropriate enforcement action. The dangers presented by the actions of the male outweighed the concerns Officer Arce had for the male’s mental health. It is reasonable to believe Officer Arce should have detained and secured the male early on in his interaction and continued his investigation safely.

Officer Arce’s actions did not fulfill the responsibility an APD officer has to keep the community safe. I recommend a finding of Sustained for General Order 900.4.3, and that Officer Arce be assessed a 1-day suspension, with Education-Based Discipline (EBD) eligibility.

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.”

DISCIPLINE RECOMMENDATION

Sincerely,



Gail McCant
Director
Austin Police Oversight

