

## DISCIPLINE RECOMMENDATION

**To:** Chief Lisa Davis, Austin Police Department  
**From:** Director Gail McCant, Austin Police Oversight  
**Date:** January 30, 2026  
**Subject:** **2025-2431 Discipline Recommendation**

Dear Chief Davis:

On October 11, 2025, Assistant Chief Michael Chancellor forwarded an internal complaint memorandum to IAD, requesting that the Austin Police Department (APD) investigate Police Officer Andy Garcia, AP10339, for his use of force while responding to an incident downtown.

On October 12, 2025, Austin Police Oversight (APO) received an external complaint, 2025-2441, from [REDACTED], alleging that APD officers used excessive force against her son during an incident downtown. The officers named in this complaint were Officer Garcia (AP10339) and Officer Kenneth Ledger (AP9582). On October 17, 2025, the external complaint was forwarded to IAD as a Notice of Complaint without a formal affidavit. On January 12, 2026, APO received notification that the external complaint had been closed with a Class D classification regarding Officer Ledger's actions, and that Officer Garcia's incident investigation would be documented in the internally initiated case 2025-2431. APO did not observe any violations regarding Officer Ledger's conduct and concurs with the Class D classification.

### Disposition by APD Chain of Command

On January 9, 2026, APO was notified that Officer Garcia's chain of command had scheduled a Discipline Review Hearing (DRH) with him on February 6, 2026. The Notice of Sustained Allegation (NOSA) indicated that Officer Garcia's chain of command recommended a finding of "Sustained" for the policy violations listed below related to the complaint investigation. The chain of command's disciplinary recommendation is "up to or including Indefinite Suspension."

- 200.4 Response to Resistance
- 321.1 Care and Transport of Prisoners
- 321.3 Transporting Arrested Person
- 321.3.3 Escape
- 402.2.4 Report Writing
- 900.3.2 Acts Bringing Discredit Upon the Department
- 900.4.3 Neglect of Duty
- 900.6.2 Duty to Give Aid and Medical Care

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### APO Discipline Recommendation: Sustain and Indefinite Suspension

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

Officer Garcia and Officer Ledger initially responded to a fight in progress between two male subjects on 6th Street. Each officer separated one subject. While attempting to maintain control over his subject, Officer Garcia performed a takedown maneuver that brought both him and the subject to the ground. After completing the takedown, Officer Garcia disengaged from his subject and moved to assist Officer Ledger with the remaining subject, who was also on the ground. Officer Garcia then pinned the subject's head and delivered a closed-fisted strike (hammer strike) to the subject's face.

During his IAD interview, Officer Garcia admitted that he failed to secure his subject before assisting Officer Ledger. When explaining his actions regarding the hammer strike to the second individual, Officer Garcia defended his conduct, stating that he believed it was reasonable and within policy. However, the circumstances he cited to justify this use of force are insufficient, rendering the force unreasonable and out of policy. Officer Garcia also minimized his actions and responsibilities in this incident.

After delivering the strike, Officer Garcia stated that he was assaulted by an unknown male and female from the surrounding crowd. He then disengaged from his subject, leaving Officer Ledger to secure a female in the crowd. Officer Garcia is observed placing the female in handcuffs and attempting to escort her back toward Officer Ledger and the subject on the ground. While escorting her, Officer Garcia released custody of the handcuffed female, who ultimately escaped into the crowd.

During his IAD interview, Officer Garcia admitted that he failed to properly maintain custody and care of the female he arrested and that he insufficiently documented the incident. Although he acknowledged his actions, Officer Garcia provided inconsistent accounts regarding his certainty that the arrested female was the individual who assaulted him.

After releasing the handcuffed female, Officer Garcia is observed using force on a nearby male subject by striking him in the face with a closed fist. The individual appeared unaware of Officer Garcia's presence and was being addressed by other officers. The actions of the subject appeared to comply with the commands given by the officers already interacting with him. Officer Garcia's use of force rendered the subject unconscious.

During the IAD interview, Officer Garcia justified striking the male in the face by stating that the subject displayed "preparatory signs of aggressive behavior." When asked whether the use of force was within policy, Officer Garcia stated, "The totality of the circumstances of this whole crowd, it-it-

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it's a 100%-I believe it's 100% objectively reasonable and within APD policy and within the law to deliver that strike.”

Officer Garcia stated that he did not violate APD General Orders regarding the use of force. His perspective on the use of force against the subject who was rendered unconscious did not align with the accounts provided by the officers already engaging the subject. I believe the circumstances he cited to justify this use of force are unreasonable and out of policy. During the IAD investigation, Officer Garcia minimized his actions and responsibilities regarding this incident.

Officer Garcia's conduct was unbecoming of an APD officer and does not reflect the expectations we have for an officer serving this community. I concur with the Sustained determination on each of the General Orders listed in the NOSA and recommend that Officer Garcia be given an Indefinite Suspension.

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  
Austin Police Oversight