

DISCIPLINE RECOMMENDATION

To: Chief Lisa Davis, Austin Police Department

From: Director Gail McCant, Austin Police Oversight

Date: January 30, 2026

Subject: **2025-2475 Discipline Recommendation**

Dear Chief Davis:

On October 7, 2025, Commander Michael Burgeson 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 a call for service.

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".

- 206.3 Baton and Impact Weapon Guidelines
- 211.4.1 Employee Reporting Guidelines for All Force Level Incidents
- 402.2.4 Report Writing
- 900.4.3 Neglect of Duty

APO Discipline Recommendation: Sustain and Indefinite Suspension

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

Officer Garcia responded to a call for service, observed a possibly intoxicated driver, and began conducting a Driving While Intoxicated (DWI) investigation. During the investigation, another responding officer called for assistance with a combative subject over the radio. Officer Garcia responded to the call for assistance, leaving the suspected intoxicated driver unattended; as a result, the subject fled the scene.

During his IAD interview, Officer Garcia admitted to violating APD General Orders 900.4.3 Neglect of Duty, but minimized his responsibility for failing to complete the DWI investigation. Officer Garcia articulated the probable cause he observed to initiate the DWI investigation and stated that there was no way to secure the subject prior to assisting the other officer.

DISCIPLINE RECOMMENDATION

Officer Garcia's actions endangered the suspected intoxicated individual and the surrounding public by failing to secure the individual and allowing him to flee the scene in his motor vehicle.

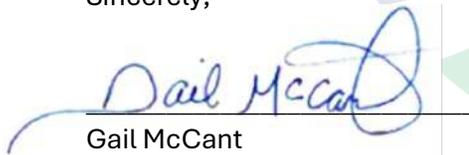
When responding to assist another officer, Officer Garcia observed the officer and the combative subject on the ground. The officer appeared to be in control, and Officer Garcia and another responding officer assisted in placing the subject on his stomach to secure his hands behind his back. Officer Garcia was observed placing his knee on the subject's head. The subject was heard stating, "I'm deaf," and Officer Garcia gave the command for the subject to place his hand behind his back. Officer Garcia was then observed lining up his flashlight on the subject's spine and delivering a strike with the head of his flashlight to the subject's back. The strike landed off-center from the subject's spine, and the subject was secured in handcuffs.

During the IAD interview, Officer Garcia stated that he did not intentionally aim at the spine and offered inconsistent explanations regarding where he intended to strike the subject. When presented with a photograph of the subject's injury from the strike, Officer Garcia denied that the mark resulted from his strike. The injury appears consistent in shape with a flashlight. Again, Officer Garcia failed to take responsibility for his actions or acknowledge that his actions violated General Orders.

I believe Officer Garcia's conduct during this incident is unbecoming of an APD officer and does not reflect the expectations of an officer serving this community. I concur with the findings of "Sustained" for each of the policies 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