

Received by Civil Service
February 13, 2026
1:01 p.m.



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Susan Sinz, Director of Civil Service

FROM: Lisa Davis, Chief of Police

DATE: February 13, 2026

SUBJECT: Indefinite Suspension of Police Officer Andy Garcia #10339
Internal Affairs Control Number 2025-2386, 2025-2431, and 2025-2475

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have indefinitely suspended Police Officer Andy Garcia #10339 from duty as a City of Austin, Texas police officer effective February 13, 2026.

I took this action because Officer Garcia violated Civil Service Commission Rule 10.03, which sets forth the grounds for disciplinary suspensions of employees in the classified service, and states:

No employee of the classified service of the City of Austin shall engage in, or be involved in, any of the following acts or conduct, and the same shall constitute cause for suspension of an employee from the classified service of the City:

- D. Neglect of Duty;
- H Conduct Prejudicial to Good Order;
- L. Violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

The following are the specific acts committed by Officer Garcia in violation of Rule 10:

I. Internal Affairs Control Number 2025-2386

Violation #1: Dishonesty with his Chain of Command

On September 23, 2025, Officer Andy Garcia, violated APD Honesty General Order (GO) 900.3.1. I, Chief Lisa Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 900.3.1 as he did not speak the complete truth, was misleading, intentionally omitted pertinent information, and/or attempted to conceal, divert, and/or mitigate his true culpability in the September 23, 2025 conversation with his direct supervisors, Sergeant Scott Gunter #8062 and Corporal Taylor Floyd #8115.

Specifically, on September 23, 2025, Officer Garcia's supervisors, Sergeant Gunter, and Corporal Floyd, noticed that Officer Garcia logged into APD's Computer-Aided Dispatch (CAD) system that day at 7:17 p.m. even though his tour of duty did not start until 9:00 p.m.

That same evening (September 23, 2025), Sergeant Gunter and Corporal Floyd met with Officer Garcia at 10:45 p.m. to specifically address the fact that he had logged in so early.

Sergeant Gunter noted to Officer Garcia (in the presence of Corporal Floyd) that he was aware that Officer Garcia had logged into the APD CAD system at 7:17 p.m. in spite of his shift beginning at 9:00 p.m. Sergeant Gunter asked Officer Garcia, why did he log in so early? Officer Garcia replied that he logged in early and then left to get food. Officer Garcia was then immediately asked, "*in your POV*" (Personally Owned Vehicle)? Officer Garcia responded, "*yes*", confirming that he went to get food in his POV. The conversation ended with Sergeant Gunter telling Officer Garcia to stop logging in excessively early before his shift began. Sergeant Gunter later confirmed these facts during the Internal Affairs (IA) investigation into this matter.

Corporal Floyd also confirmed to IA investigators, during this investigation, that he thought it was odd that an officer would log into CAD hours early before the shift. Corporal Floyd also testified that he and Sergeant Gunter confronted Officer Garcia about this during the September 23, 2025, meeting, which prompted Officer Garcia to tell him and Sergeant Gunter that, "*Oh, well, I show up, I log in 'cause I like to be early. And then I'll leave and go get food.*" Corporal Floyd then stated that he summarized Officer Garcia's answer back to him, "*So you show up. You log in your car. You get back in your personal vehicle and leave? And [Officer Garcia] said, 'Yes.'*" Corporal Floyd confirmed that Officer Garcia was then advised not to log in early again.

The next day, on September 24, 2025, Sergeant Gunter was contacted by Officer Travis Buck #9397, who told him that Officer Garcia had been logging in approximately one and a half hours before show-up. Officer William Wallace #10236 also told Officer Travis that he witnessed Officer Garcia logged in early into a patrol vehicle and the vehicle location of the patrol vehicle driven by Officer Garcia showed him to be on Tinnin Ford Road, not at the police substation.

Based on the information provided to Sergeant Gunter by Officers Buck and Wallace, Sergeant Gunter reviewed Officer Garcia's login history and noticed that he had logged in early on multiple dates in September. Sergeant Gunter reviewed Officer Garcia's AXON¹ recordings and learned Officer Garcia's patrol vehicle was at different locations before his tour of duty which coincided with the days Officer Garcia logged in early.

Thereafter, still on September 24, 2025, Sergeant Gunter showed Corporal Floyd an AXON video of Officer Garcia driving a patrol vehicle to get food prior to the start of duty on September 23, 2025 (just hours before their conversation with him). Corporal Foyd later testified to IA that he realized that Officer Garcia was dishonest with him and Sergeant Gunter after watching the AXON video, and that he took it personally:

"And so whenever we found out that he lied to us, it kinda hit me personally because, again, on one hand, I'm like, man, we gotta be able to trust each other."

Sergeant Gunter expressed the same sentiment to IA:

"I mean, I was offended that he lied to me. I mean, that's pretty, you know, besides all this, you know, thing we're doing here. You know, I think I mean, to my knowledge, none of my guys have ever lied to me. And so, you know, it's kind of I haven't only - haven't for like, you know, less than a month. And then, you know, like, you know, it was just absurd to me."

Sergeant Gunter further explained:

"Well, I'm gonna - when I - how do I trust him now? I mean, it's like - you know, obviously that's why we're here in a department standpoint."

In all AXON video footage/records shows the following about Officer Garcia:

- August 24, 2025: He logged into CAD at 8:12 p.m. The Patrol Vehicle that he then logged into, and drove was at or near Native Grocery located at 705 Tillery at approximately 8:18 p.m. His tour of duty started at 9:00 p.m.
- September 18, 2025: He logged into CAD at 2:53 p.m. (Special Event Overtime 4:00 p.m. to 7:00 p.m.), He met another officer at the Main Police substation at approximately 7:42 p.m., and shortly thereafter he went in the Patrol Vehicle to 1918 Riverside Drive (Pokeworks). His tour of duty started at 9:00 p.m.

September 22, 2025: He logged into CAD at 7:56 p.m. The Patrol Vehicle that he logged into, and drove was used to pick up take-out in the area of 28th Street and Guadalupe (BussinBuns) at approximately 8:17 p.m. His tour of duty started at 9:00 p.m.

¹ AXON is a public safety technology company that provides an integrated ecosystem of hardware (like taser devices, body cameras, drones, sensors) and cloud-based software (for evidence, records, and training) to law enforcement, military, and first responders. They offer a connected network to streamline operations, manage digital evidence, automate tasks, and prepare officers through training.

- September 23, 2025: He logged into CAD at 7:17 p.m. The Patrol Vehicle that he then logged into, and drove was at or near Native Grocery located at 705 Tillery at approximately 7:28 p.m. His tour of duty started at 9:00 p.m.

In sum, records showed that Officer Garcia used a patrol vehicle [not his POV] to get food before his shift began on September 23, 2025. Records also showed that Officer Garcia used a patrol vehicle [not his POV] to get food before his shift began on other days.

Before going to the next section of this memorandum, I want to note that if this were the only sustained violation, I would have made the decision to indefinitely suspend Officer Garcia for this alone, without consideration of the other violations in this memorandum.

The expectation of APD GO Honesty 900.3.1 is communicated to APD officers in a direct, unambiguous manner, upon entry into APD's police academy, with repeated reminders. It mandates that an officer be truthful at all times, not be misleading, nor intentionally omit pertinent information, including when speaking with supervisors. For the last 20 plus years, over five different Chief's of Police, including myself, Chief Davis, every officer sustained for a violation of APD GO Honesty 900.3.1 has been indefinitely suspended. This longstanding APD practice is spelled out in APD's training of every officer and is depicted in APD's GO, including our disciplinary matrix.

Violations #2-4: Dishonesty with Internal Affairs

APD's Honesty GO 900.3.1 not only mandates that an employee speak the truth at all times, not be misleading, or omit pertinent information, but it mandates that "employees will not attempt to conceal, divert, or mitigate their true culpability in a situation, nor will they engage in efforts to thwart, influence, or interfere with...a criminal or administrative investigation." Officer Garcia violated the mandates of APD Honesty GO 900.3.1 during his December 1, 2025, IA interview.

I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he did not speak the complete truth, was misleading, some of his answers were not credible, he intentionally omitted pertinent information, and/or attempted to conceal, divert, and/or mitigate his true culpability regarding his September 23, 2025 conversation with his direct supervisors, Sergeant Gunter and Corporal Floyd.

Specifically, the following are three of the answers Officer Garcia gave during his December 1, 2025, IA interview that his Chain of Command and I concluded violated Honesty GO 900.3.1 by the preponderance of the evidence. Similar to what was stated above, any one of these misstatements would have resulted in my decision to indefinitely suspend him, without consideration of anything else in this suspension memorandum.

- 1) *I - I - I told him that I - so, like, he asked me, like, generally, right? He didn't ask me, oh, you know, on this day and this time, did you go in your personal vehicle? He just asked me, okay, like, do you go in your personal vehicle or in your POV? I said PO- do you - like, do you go in your POV? I said, yeah. I go in my POV.*

- 2) I never told him that. I only use my vehicle, or that I only use my personal vehicle. That's not what I said to him. "So, like, the way that you phrased the question, like, you asked me if I was being truthful when I told him that I only use my personal vehicle. That's - that's not what I said and it wasn't how it was asked.

- 3) He asked me if - if I go in my personal vehicle. So, like, the way that he asked it was, like, generalized, right? Like, it - like, basically, like, what do you normally do, right? Like, when you come in, what did you do? Like, it was like, I - I thought it was just a, you know, casual conversation, right? He asked me, okay. Now, what do you do? So, I told him, I come in, get my keys, uh, get the vehicle, load up, I'll go eat something and then I'll come back for show up. Okay. Uh, do you go in your POV? Yeah - yeah. I go in my personal vehicle to - to grab food, 'cause that's - that's the usual, right? Uh, like, he didn't ask me, uh, like, do you only go in your personal vehicle? Nor did he ask me, oh, have you ever taken a patrol vehicle? He didn't ask me that neither. Uh, I mean, I'm pretty sure here on Complaint 2, he asked me, oh in your POV? He didn't ask me, only in your POV, or have you always taken your POV? He just said, in your POV? And I said, yeah.

In sum, Officer Garcia's entire Chain of Command and I, Chief Davis, did not find his recounting or assertions, during his IA interview, regarding his conversation with Sergeant Gunter and Corporal Floyd to be credible. Officer Garcia's omission in [not] telling them that he took a patrol car on September 23, 2025, was pertinent in nature, especially since that is what he was brought in to discuss. Officer Garcia's omission in [not] telling them that he took a patrol car on other days to get food was also pertinent in nature.

Officer Garcia's entire Chain of Command and I do not believe his assertion that he believed this was a "general" question. We do not believe his assertion that he thought this was a "casual" conversation. Officer Garcia's Chain of Command and I were also troubled by the fact that he tried to shift blame on Sergeant Gunter and/or Corporal Floyd for their phrasing of their question, when they did not know the truth, but Officer Garcia did know the truth, and Officer Garcia chose to not be completely truthful and/or omit pertinent information in his conversation with them. He not only attempted to conceal, divert, and/or mitigate his true culpability with his supervisors, but he did so in his responses to IA.

Officer Garcia is solely responsible for speaking the complete truth and his failure to speak the complete truth to his direct supervisors and/or his answers to IA further demonstrate why his lower Chain of Command (Sergeant Gunter and Corporal Garcia) testified to IA that they would have trouble trusting him moving forward. After reviewing this investigation and Officer Garcia's explanations to IA, Officer Garcia's upper Chain of Command, including myself, Chief Davis, share their concerns, as we would also have trouble trusting him moving forward.

This lack of credibility and complete candor cuts at the core of Officer Garcia's integrity. His deceptive responses also cut at the core of his integrity. Therefore, the facts and circumstances of this case must be shared with members of the criminal justice system as this qualifies as Brady (*Brady v. Maryland*, 373 U.S. 83 (1963)) Giglio (*Giglio v. United States*, 405 U.S. 150 (1972)) and Michael Morton Act material that must be disclosed to prosecuting attorneys. Moreover, it compromises his credibility to testify in the future. This

makes him unfit to serve as a police officer, which also leaves me with no choice but to indefinitely suspend him. In sum, the collective reasons lead me to only one conclusion, which is the acceptance of the Chain of Command's unanimous recommendation to me that Officer Garcia be indefinitely suspended.

Violation #5-8: Prohibited Use of Property and Equipment

I, Chief Davis, also concurred with the unanimous recommendation from the Chain of Command that Officer Garcia violated APD General Order 800.2 General Policy (Property and Equipment) which states (b) Negligent or incorrect use of City property is prohibited.

Specifically, on August 24, 2025, September 18, 2025, September 22, 2025, and/or September 23, 2025, Officer Garcia used a city patrol vehicle in an unauthorized manner (see above for further details) to drive to various locations to purchase food. Officer Garcia did so by logging into his patrol shift an hour or so before his scheduled shift.

As mentioned above, on Tuesday, September 23, 2025, in an employee performance counseling session, Officer Garcia told Sergeant Gunter that he was going to get food before his shift. This is an incorrect use of city property, namely using the patrol vehicle for the purpose of getting a personal item before the start of a work-shift.

Officer Garcia acknowledged to IA during his December 1, 2025, interview into this matter, that he did this on at least four different occasions. (see above dates).

II. Internal Affairs Control Number 2025-2475

Violation #9: Neglect of Duty

On October 7, 2025, Officer Garcia, violated APD Neglect of Duty GO 900.4.3. I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 900.4.3 as he did not take appropriate action on occasion of a potential crime and or matter deserving further investigation and police attention, did not perform all of his police duties, and/or did not follow department standardized training and tactics when it was objectively reasonable to do so. The duties he neglected include properly and completely investigating a potential Driving While Intoxicated (DWI), properly detaining and/or arresting a subject, and not allowing a potential DWI subject to pose a threat to himself and others, without conclusively insuring he was not a threat to himself or others and/or arresting him.

Specifically, on October 7, 2025, Officer Garcia along with Officers William Wallace and Jefferson Roy responded to a report of a Traffic Hazard – Hot Shot on the ramp from Bastrop Highway to State Highway 71. While in route, they were all informed that a crash had occurred involving the stalled vehicle. Upon arrival, Officer Garcia and Officer Wallace approached the crash site and determined the driver of the second vehicle could have possibly been intoxicated and needed to be tested for intoxication. Officer Garcia then detained the driver.

During the DWI investigation conducted by Officer Garcia (call # 25-2800033), the male suspect (driver of the second vehicle) became verbally uncooperative. While speaking with the driver of the second vehicle to get him to cooperate with the field sobriety tests, Officer Roy notified dispatch over the radio that he was struggling with another person while working to divert traffic around the crash site. In response, Officer Wallace left Officer Garcia's location and ran to assist Officer Roy. Officer Garcia subsequently left the driver of the second vehicle, who was potentially intoxicated, unsecured and unattended at the scene of the crash to go to Officer Roy's aid. Officer Garcia ultimately was able to help Officer Roy and Wallace apprehend the subject that Officer Roy had been dealing with (call # 25-2800070).

Thereafter, upon returning to the location where Officer Garcia left the unsecured and unattended driver of the second vehicle, that Officer Garcia suspected of DWI, the driver of the second vehicle was no longer at the scene as he had left the scene. Officer Garcia neglected his duty and responsibility with respect to this suspect, as he did not maintain care, custody or control of the detained subject who Officer Garcia had determined warranted an intoxicated driver investigation.

Officer Garcia admittedly ran to assist another officer and completely left the unsecured subject he was dealing with, which enabled the suspected DWI driver of the second vehicle to leave the area in the middle of an incomplete DWI investigation. This likely posed further danger to himself and other members of the public, particularly since the suspected intoxicated person was allowed to run/roam away in an apparent attempt to get away from Officer Garcia, and his fellow officers on or near a high-speed roadway after being detained by APD.

Officer Garcia noted to IA investigators, during this investigation, that he notated several signs of intoxication on the subject, before leaving him unattended. They included Officer Garcia being made aware by Officer Wallace that there was a can of beer in the suspect's vehicle, the admission that Officer Garcia smelled an odor of an alcoholic beverage emanating from his person, the admission that Officer Garcia heard him speak with slurred speech, and the knowledge that he had "*crashed his vehicle into a truck.*"

Officer Wallace advised IA investigators that he observed the following signs of intoxication in the suspect before he departed to assist Officer Roy. He stated that the subject of the DWI investigation had an odor of an alcoholic beverage on his breath and was displaying red, bloodshot eyes, in addition to being involved in a crash.

Officer Wallace was asked by IA what he believed was going to happen with the subject of the DWI investigation when he left to help Officer Roy. He stated,

"I thought Officer Garcia, since he had access to our vehicle and it was right there, I thought he was gonna place him in the back seat of the vehicle and then, uh, possibly come assist, or even continue the DWI. 'Cause there was, uh, I believe there was other officers in route, too. So, uh, there was more than enough resources to help Officer Roy. So I honestly thought he was gonna put him in the back of the car, possibly."

Violation #10: Baton and Impact Weapon

On October 7, 2025, Officer Garcia violated APD Baton and Impact Weapon Guidelines GO 206.3. I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 206.3 as an improvised weapon, his personally purchased flashlight, to intentionally strike and/or intentionally target the area of a subject's spine and/or spinal column. I also concur with the Chain of Command's conclusion that no reasonable officer could have had an objectively reasonable belief the subject may have caused serious bodily injury or death to the officer or others in the moments before Officer Garcia struck the subject.

Specifically, on October 7, 2025, when Officer Garcia reached the subject that Officer Roy was dealing with (in call 25-2800070), Officer Garcia used force against the male subject by striking him with his flashlight in his hand on or about the subject's spinal column area. Officer Garcia's Chain of Command and I concluded that no objectively reasonable officer would have believed that this subject was able to cause serious bodily injury to him or any officer or others at the time that Officer Garcia struck him. Video evidence supports our conclusion. Moreover, this area of the body is a prohibited location as a target zone for strikes with impact weapons due to the serious risk of injury. The entire Chain of Command and I were troubled by Officer Garcia's actions, especially since GO 206.3 states: "*The head, neck, spine and groin should not be intentionally targeted except when the officer has an objectively reasonable belief the subject may cause serious bodily injury or death to the officer or others.*"

In addition to the Chain of Command and I, Officer Roy, who was present with Officer Garcia at the time of the strike stated to IA, while the male was displaying defensive resistance and was refusing to give them his left hand which was still under his body:

"I believe that there could have been other measures taken prior to escalating as far as a strike with an object...at that moment we had three officers on top of the subject which I - the subject was not a very heavyweight. I would say that three officers we were basically in control of the situation. As far as, um, restraining the subject without having the other arm, I believe that we could have taken other measures to get the goal done of restraining both arms in handcuffs."

Officer Roy was then asked during the IA investigation if anything could have been done differently during the Response to Resistance:

"I believe that pressure points would have been a great tool to utilize at that moment, uh, which I like to personally go for. Um, I just believe that overall, the situation didn't need to escalate to the point of striking somebody to the spine with a blunt object. Um, I believe that we could have gone different routes that are less, uh, I wouldn't say aggressive in - in nature but less - less, uh, hurtful to gain compliance. I am also gonna mention, though, that we are in the shoulder of an un- unprotected high-speed roadway and sometimes escalation is unfortunately what we have to reside to to get a goal accomplished, to get out of the roadway as safely as possible."

Additionally, IA investigators showed Officer Garcia photographs of injuries in the area of the suspects' spine where Officer Garcia struck him with his personally purchased flashlight. Officer Garcia denied that the injuries to the subject's back were caused by the strikes he administered to him as Officer Garcia deduced that they were a pre-existing injury. Officer Garcia was also asked by investigators to produce the flashlight he used to administer the strikes to compare to the evidence. However, Officer Garcia could not or did not produce the flashlight as he claimed he lost the flashlight and no longer possessed it. Additionally, Officer Garcia denied violating this GO.

Violation #11: Report Writing

On October 7, 2025, Officer Garcia, violated APD Report Writing GO 402.2.4. I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 402.2.4 as his reporting of the above described incidents lacked a complete and accurate depiction of the events and/or all of the pertinent information, including but not limited to the identity of all of the subjects he encountered and all of the pertinent information regarding the action(s) and/or details of the action(s) taken by him.

Specifically, on these combined incidents from October 7, 2025, Officer Garcia's reports lacked important details and seemed to minimize his actions while on scene. While Officer Garcia reported that his flashlight was in his hand when he struck the subject, Officer Garcia failed to describe a pertinent detail, which was the location of the strike. This information was crucial/pertinent given that Officer Garcia struck the subject in a prohibited area, his spinal column. Second, with regards to returning to find that the DWI subject that had departed, Officer Garcia's report indicates that he made minimal efforts to locate this subject. Officer Garcia's report also failed to include sufficient information for detectives to be able to run a successful follow-up investigation, including the identity, physical description and address of the subject.

Officer Garcia acknowledged to IA that he violated this GO, stating:

"Yeah. yes, sir. Um, I didn't report all the information that was seen, heard and, uh, all that stuff. I should have articulated the, uh, response to resistance better. Um, the actions I took, why I took 'em, um, the area I was targeting. Uh, I should have documented that a lot better. Uh, same thing with - the DWI. You know, I should have investigated it better and, uh, reported it - it better, uh, gotten the identity of the guy. - I didn't write down all the actions I took. It was multiple things I could have done better on the report."

Violation #12: Reporting For Force Level Incidents

On October 7, 2025, Officer Garcia, violated APD Employee Reporting Guidelines For All Force Level Incidents GO 211.4.1 I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 211.4.1 as his reporting of the above described use of force incident lacked a complete, detailed and accurate depiction of the force and/or all of the pertinent information, including but not limited to the specific area of the body that Officer Garcia administered the force on the subject and/or why he deemed this level of force on that area of the subject's was necessary.

With respect to this GO, Officer Garcia acknowledged to IA that he violated it:

“Yes, sir. Um, I - I - I violated it, uh, because I didn't - I didn't report it. And my report, again, was super horrible. Um, I would redo it. Given the chance to type it right now, I'd - I'd - I'd retype it. Um, it was super poorly written and I should - sorry. Uh, I should - I should be better - I should do better. And if presented with the opportunity to do it again, um, like, you know, to be able to take another call and if, you know, I'm fortunate again to another response to resistance, then I will take more time to write that report.”

Before going to the next section of this memorandum, I want to note that if the violations in IAD Control Number 2025-2475 (section II of this memorandum) were the only sustained violations, I would have made the decision to indefinitely suspend Officer Garcia for this alone, without consideration of the other violations in this memorandum.

III. Internal Affairs Control Number 2025-2431

Violation #13: Response to Resistance

On October 11, 2025, Officer Garcia violated APD Response to Resistance GO 200.4. I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 200.4 as he struck a subject (subject #4) rendering him temporarily unconscious. The Chain of Command and I concluded that this strike was not objectively necessary or reasonable at the time Officer Garcia administered the strike.

Specifically, on October 11, 2025, at approximately 2:11am, Officer Garcia along with Officer Kenneth Leger #9582 responded to a physical disturbance in the downtown area, specifically the 400 blk of E 6th St. near Pete's Piano Bar and Voodoo Room. Thereafter, Officer Garcia was involved in multiple on-duty responses to resistance (R2R) incidents. The incidents were documented in call 25-2840154.

Officer Garcia initially performed a takedown on a subject (subject #1). After performing this takedown Officer Garcia's attention was diverted to Officer Leger, who was in a physical struggle with a different subject (subject #2). Officer Garcia left subject #1 to assist Officer Leger. Officer Garcia did so by pinning subject #2's head to the ground with one hand and then delivered a hammer fist to his face with his other hand.

After striking subject #2 in the head, Officer Garcia abruptly got up and briefly handcuffed a female subject (subject #3). Officer Garcia indicated to IA investigators, during this investigation, that he handcuffed her with the intent to arrest her for assaulting him (Officer Garcia) while on scene (potential Second Degree Felony Assault on a Police Officer). Officer Garcia, however, then turned—leaving the female subject entirely, enabling her to escape—to then punch a male subject wearing an orange shirt (subject #4) in the face/head. This strike knocked subject #4 unconscious, and Officer Garcia did not approach subject #4 at all after striking him. Other officers tended to subject #4 after he was knocked unconscious by Officer Garcia's punch, as Officer Garcia stood in the perimeter.

At the time that Officer Garcia left the female arrestee, and proceeded to strike subject #4, there were three other officers within arms' reach of subject #4 (including himself), two of whom were facing subject #4, with their attention on subject #4, actively engaged with him. One of the two officers (Officer McMorrow) even had their hands on subject #4. Officer Garcia's Chain of Command and I believe that the strike to the face of subject #4 was unnecessary and an unreasonable use of force.

In fact, one of the two officers (Officer Michael McMorrow) who was facing subject # 4 and was dealing with him just before Officer Garcia intervened and punched him, stated the following to (criminal) Special Investigative Unit (SIU) investigators regarding whether subject # 4 posed an immediate threat to officers or others:

"from my point of view, no. From what the - the information I had at the time, he did not. If I felt that way, then I would have taken different actions than just putting my hands up and helping create a visual barrier."

SIU also asked Officer McMorrow if, in his training and experience, did Officer Garcia's actions align with Department policies and training on use of force. Officer McMorrow stated,

"based on my observations, I would say no." as he went on to explain, "well, again, I have very limited knowledge on what had transpired before I arrived on the scene. But at the particular time the strike was performed, I didn't particularly see any - any specific action in that moment that the male in the orange shirt was taking, that in my mind, based on my training experience would have risen to the necessity for - for that use of force."

Additionally, Officer Roger Aguilar was also facing subject #4 and was dealing with him just before Officer Garcia intervened and punched him. Officer Aguilar did indicate subject #4 posed a threat to officers, because of his defensive resistance and verbal non-compliance. Although Officer Aguilar perceived a threat from subject #4, he further explained that he only took actions such as repeatedly verbally directing subject #4 to back up and pointing in the direction he wanted subject #4 to back up to, to create space between him and officers. Officer Aguilar also explained that he physically pushed subject # 4 to redirect him back out of the scene.

Officer Aguilar was also asked by SIU whether Officer Garcia's actions aligned with his training and experience, but he declined to answer that question. More telling than any answer that Officer Aguilar gave or could have given are the actions that he and Officer McMorrow took in the moments before Officer Garcia punched subject #4.

Ultimately, Officer Garcia's Chain of Command and I disagree with his assertion to IA that the force he used on subject #4 was objectively reasonable and necessary for the above stated reasons.

Violation #14: Neglect of Duty

On October 11, 2025, Officer Garcia, violated APD Neglect of Duty GO 900.4.3. I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 900.4.3 as he did not take appropriate action on occasion of a potential crime and or matter deserving further investigation and police attention, did not perform all of his police duties, and/or did not follow department standardized training and tactics when it was objectively reasonable to do so. See Violation # 15 and # 16 for specific details.

Violation #15: Care and Transport of Prisoners

On October 11, 2025, Officer Garcia, violated APD Care and Transport of Prisoners GO 321.1. I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 321.1 as he did not take appropriate action on occasion of a potential crime and or matter deserving further investigation and police attention, did not perform all of his police duties, and/or did not follow department standardized training and tactics when it was objectively reasonable to do so. Department values mandate that "persons taken into custody will not be abused, and the individual rights of prisoners must be protected at all times. Until arrested persons are accepted at the booking facility, their care and custody shall be the responsibility of the arresting/transporting officers." Officer Garcia admittedly did not secure an arrestee (subject #3), which enabled her to escape arrest.

Specifically, during the call described above, Officer Garcia encountered multiple subjects, including subject #3. Officer Garcia delivered a closed fist strike to the face of subject #4 when two other senior officers (Officer McMorro and Officer Aguilar), who are currently assigned to Downtown Area Command (DTAC), were actively addressing subject #4's behavior. Officer Garcia's decision to join two other officers dealing with subject #4 created a three-on-one situation with subject #4, while choosing to leave an arrested female (subject #3) alone, and handcuffed, giving her the opportunity to escape. The Chain of Command and I believe it was not reasonable to have three officers dealing with one uncooperative subject at the expense of risking the arrest and safety of a handcuffed citizen. The safety and care of the female arrested subject was the responsibility of Officer Garcia, unless he had passed her custody off to another officer.

Officer Garcia specifically acknowledged to IA, during this investigation:

- Subject #3 was under arrest for Assault on a Police Officer (potential Second Degree Felony).
- He was responsible for the care, custody, and control of Subject #3.
- Officer Garcia recalled Subject #3 repeatedly stating she needed water, because he believed she was feeling the effects of being pepper sprayed, or was in the vicinity thereof, before leaving her to strike Subject #4.
- He considered Subject #3 could be intoxicated before releasing his hold on her, since most people on 6th Street coming out of bars and clubs are intoxicated.
- He in retrospect considered Subject # 3 to be a fall or safety risk with her hands handcuffed behind her back and unescorted.

- He in retrospect felt Subject #3 could not reasonably defend herself from attack downtown with her hands handcuffed behind her back and unescorted.
- He did not take any steps to make immediate notification about the loss of his prisoner. (nor alert anyone as to concerns for her safety).

Ultimately, he acknowledged to IA that he violated APD GO 321.1 – Care and Transport of Prisoners (Purpose and Scope). Officer Garcia specifically responded:

“No sir. I violated policy... Because - I let her go, to deal with [Subject #4]. She was - my responsibility. I had to control her, control my custody over her and I - failed - to do that.”

Violation #16: Transporting Arrested Person and Escape

On October 11, 2025, Officer Garcia, violated APD Transporting Arrested Person and Escape Care GO 321.3 and 321.3.3. I, Chief Davis, concur with Officer Garcia’s Chain of Command, who unanimously concluded that he violated GO 321.3 and 321.3.3 as he did not take appropriate action on occasion of a potential crime and or matter deserving further investigation and police attention, did not perform all of his police duties, and/or did not follow department standardized training and tactics when it was objectively reasonable to do so. The law imposes a duty of care on the transporting officer to protect prisoners from injury. Moreover, in the event an escape occurs while transporting a prisoner, the officer shall immediately notify the dispatcher and request assistance. The officer should provide, at a minimum, the following information:

1. Complete physical description;
2. Direction and method of travel;
3. If any weapons and/or accomplices were used to effect the escape; and
4. The nature of the offense which resulted in the original arrest.

(b) A supervisor shall be notified.

(c) A complete search of the area will be conducted. This search may include the following measures:

1. Establishing a perimeter.
2. Requesting canine.
3. Requesting air support.
4. Notifying surrounding agencies, if appropriate.

(d) The officer shall complete all necessary incident reports to ensure the preparation of an arrest warrant if the prisoner is not located.

Officer Garcia admitted that he allowed the handcuffed female subject to leave/walk away without any follow up action (like putting a description out on the radio). He also could have taken some follow up action at any point after the incident. While a delay may have been less effective at preventing escape than acting immediately, he had an obligation to take some immediate action. Officer Garcia did not immediately notify the supervisor in

a timely manner. He failed in multiple obligations, including taking steps that could have resulted in the most optimal search of the subject.

Moreover, and similar to what is stated above, Officer Garcia acknowledged in his November 4, 2025 IA interview (interview #2 line 673 to 740) that he detained the female in handcuffs (subject #3) who assaulted him, he recognized she may have been affected by pepper spray (line 683) and he did not address her needs, that she may have been intoxicated (line 693), admitted the female could be a fall risk being handcuffed and unescorted after she was released (line 707), and could not reasonably defend herself downtown from attack (assault/sexual assault) while being handcuffed behind her back and unescorted (line 712).

Afterwards, IA asked Officer Garcia if he believed his handling of Subject #3 during this incident complied with APD GO 321.3 – Escape. He responded that his actions or inactions did not comply, stating:

“Yeah.- I violated the policy...“Because I didn't, I didn't put out over the radio her physical description, direction of travel and method of travel. Even though I didn't - I didn't know, but, I didn't do that. And I didn't put out the reason why she was being arrested.”

Violation #17: Report Writing

On October 11, 2025, Officer Garcia violated APD Report Writing GO 402.2.4.1. I, Chief Davis, agree with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 402.2.4 as his reporting of the above-described uses of force and/or impact therefrom, lacked complete details, and/or pertinent information.

One noteworthy example is regarding the strike Officer Garcia administered to subject #2. While he mentioned selecting a hammer fist strike to protect his hand and noted that subject #2 was on the ground when he struck him in the head, Officer Garcia failed to mention the effect of hitting subject #2's head against the ground and potential escalation of injuries.

Specifically, when IA asked him if he believed his supplement in this incident complied with APD GO 402.2.4 –Report Writing, Officer Garcia responded:

“No. It doesn't comply, sir... “Because I didn't, I didn't give all the pertinent information that I saw. I could have been more elaborate or, yeah, I could have been more elaborate or described more, about all the other persons that I dealt with that night.”

As mentioned above, the Chain of Command and I concur with this admission.

Violation #18: Acts Bringing Discredit Upon the Department

On October 11, 2025, Officer Garcia violated APD Acts Bringing Discredit Upon the Department GO 900.3.2. I, Chief Davis, concur with Officer Garcia's Chain of Command, who unanimously concluded that he violated GO 900.3.2 as he struck a subject (subject #4) rendering him temporarily unconscious in the presence of multiple people in downtown Austin. In addition, Officer Garcia's actions went viral on social media and were widely reported in the local news, which reflected and reflects poorly on the APD. His actions not only brought embarrassment to APD and/or the City of Austin, but they were referred to the Special Investigative Unit, which works in conjunction with the Travis County District Attorney's office to investigate officer conduct, including use of force incidents.

I also agree with Officer Garcia's Chain of Command, who concluded his strike of subject #4 shocked the conscious of many people in the area that saw it and prompted further reactions from an already increasingly hostile crowd. The Chain of Command and I were also embarrassed when the incident went viral as it reflected poorly on all APD officers. Videos of Officer Garcia striking this subject were all over social media and various news outlets.

Before concluding this memorandum, I want to note that if the violations in IAD Control Number 2025-2431 (Section III of this memorandum) were the only sustained violations, I would have made the decision to indefinitely suspend Officer Garcia for those violations alone, without consideration of the other violations in this memorandum.

Conclusion

As stated above, Officer Garcia gives me a multitude of individual reasons to indefinitely suspend him. I would have indefinitely suspended him for any one of the individual sustained APD GO Honesty 900.3.1 violations listed in this suspension memorandum from IAD Control Number 2025-2386. As mentioned above, a single Honesty GO violation is grounds for an indefinite suspension, as specified in APD's training, longstanding practice and disciplinary matrix. Moreover, this information must be disclosed to surrounding county and district attorney's offices as part of APD's obligations as *Brady (Brady v. Maryland, 373 U.S. 83 (1963))* *Giglio (Giglio v. United States, 405 U.S. 150 (1972))* and Michael Morton Act material. Additionally, these notifications bring discredit to the APD.

Additionally, Officer Garcia's uses of force cases were referred to the District Attorney's office, which in these instances brings further discredit to APD. (IAD Control Numbers 2025-2431, and 2025-2475). The criminal investigations into Officer Garcia's use of force remain open and are under investigation as of the date of this memorandum. Both of those cases individually warrant his indefinite suspension, regardless of whether he is indicted, as his actions do not comport with APD GOs. In IAD 2025-2475, Officer Garcia could not offer a reasonable explanation to me and his Chain of Command to strike the subject in the spinal column with his flashlight. Officer Garcia would not even acknowledge to IA that there was a possibility that he caused the injury that is in the area where he struck the subject. Rather he speculated that this was a result of a pre-existing injury. But the larger

concern for me and the Chain of Command is Officer Garcia not only struck the subject in a prohibited area of the body that could have caused serious injury, but he failed to acknowledge to IA that in doing so he violated GOs. That is of grave concern to me as the Chief of Police and I would be doing disservice to the members of the public if I continued allow Officer Garcia to serve as an APD officer and potentially repeat this behavior on another member of the public.

Whereas in IAD 2025-2431, Officer Garcia yet again took an extreme measure of unnecessarily striking subject #4 in the face, knocking him unconscious. Officer Garcia again failed to take responsibility for his actions, in a case that also happened to go viral. His inability or refusal to see that his actions were unreasonable and unnecessary under the circumstances and brought discredit to APD is troublesome to me and the Chain of Command. Allowing him to patrol the streets of Austin would not be in the interest of APD moving forward.

Additionally, while Officer Garcia has been a commissioned officer for less than a year, every officer is well trained and knows not to allow a prisoner or potentially dangerous subject (to themselves or others) to freely roam without being secured. In both IAD 2025-2431 and 2025-2475, rather than performing his essential duties and keeping his suspect and/or prisoner secure from danger to themselves and/or others and simply allow two other well trained officers to handle one other individual, Officer Garcia chose to neglect his duties (as described in great detail above) and pursue the other action and take extreme measures (not taken by the four other officers) at the risk and expense of his training and obligations. His level of judgment, decision-making, and maturity in these instances also demonstrate to me and the Chain of Command that he is not fit to serve as an APD officer.

In sum, any one of the above-mentioned IAD cases (2025-2386, 2025-2431 and 2025-2475,) individually warrants Officer Garcia's indefinite suspension. The cumulative cases unquestionably do as well.

By these actions, Officer Garcia violated Rule 10.03(L) of the Civil Service Rules by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department Policy 900.3.1: General Conduct and Responsibilities: Honesty**

900.3.1 Honesty

Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times in the performance of their duties.

- (a) Employees will speak the truth at all times and reflect the truth in all reports and written communications. Any statement or omission of pertinent or material information which intentionally misrepresents facts or misleads others through an official statement will be considered a false official statement. The following are examples of an "official statement":

1. Documents prepared by an officer in connection with their official duties, including but not limited to incident reports or supplements, sworn affidavits, and citations.
 2. Verbal or written statements made by an officer in connection with their official duties to:
 - (a) An investigator conducting an administrative or criminal investigation of the officer or another person's conduct.
 - (b) A supervisor conducting an inquiry into the officer's use of force.
 - (c) A fact finder in an administrative, civil, or criminal proceeding in which the officer testifies.
- (c) Employees will not attempt to conceal, divert, or mitigate their true culpability in a situation, nor will they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

➤ **Austin Police Department Policy 900.3.2: General Conduct and Responsibilities: Acts Bringing Discredit Upon the Department**

900.3.2 Acts Bringing Discredit Upon the Department

Since the conduct of personnel both on-duty or off-duty may reflect directly upon the Department, employees must conduct themselves at all times in a manner which does not bring reproach, discredit, or embarrassment to the Department or to the City.

- (a) Employees will not commit any act which tends to destroy public confidence in, and respect for, the Department or which is prejudicial to the good order, efficiency, or discipline of the Department.

➤ **Austin Police Department Policy 900.4.3: General Conduct and Responsibilities: Neglect of Duty**

900.4.3 Neglect of Duty

Employees will satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:

- (c) Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.
- (d) Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.
- (h) Failure to follow department standardized training and tactics when it was objectively reasonable to do so.

➤ **Austin Police Department Policy 800.2(b): Property and Equipment Accountability: General Policy**

800.2(b) General Policy

For purposes of this order, Department property is synonymous with City property.

- (b) Negligent or incorrect use of City property is prohibited

➤ **Austin Police Department Policy 402.2.4: Incident Reporting and Documentation: Report Writing**

402.2.4 Report Writing

- (a) All reports shall accurately reflect:
- (1) The identity of the persons involved.
 - (2) All pertinent information seen, heard, or assimilated by any other sense.
 - (3) Any action(s) taken.
 - (4) Any property which the employee takes possession of, clearly documenting the:
 - (a) Events that led up to the taking possession of the property
 - (b) Purpose for taking the property
 - (c) Identification of the property by name and/or description
 - (d) Location where the property was taken
 - (e) Complete identifiers, as available, for anyone who may claim ownership of the property.
- (b) Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

➤ **Austin Police Department Policy 321.1: Care and Transport of Prisoners: Purpose and Scope**

321.1 Purpose and Scope

Department values mandate that persons taken into custody will not be abused, and the individual rights of prisoners must be protected at all times. Until arrested persons are accepted at the booking facility, their care and custody shall be the responsibility of the arresting/transporting officers.

➤ **Austin Police Department Policy 321.3.3: Care and Transport of Prisoners: Transporting Arrested Persons**

321.3 Transporting Arrested Persons

The law imposes a duty of care on the transporting officer to protect prisoners from injury.

➤ **Austin Police Department Policy 321.3.3: Care and Transport of Prisoners: Escape**

321.3.3 Escape

- (a) In the event an escape occurs while transporting a prisoner, the officer shall immediately notify the dispatcher and request assistance. The officer should provide, at a minimum, the following information:
 - 1. Complete physical description;
 - 2. Direction and method of travel;
 - 3. If any weapons and/or accomplices were used to effect the escape; and
 - 4. The nature of the offense which resulted in the original arrest.
- (b) A supervisor shall be notified.
- (c) A complete search of the area will be conducted. This search may include the following measures:
 - 1. Establishing a perimeter.
 - 2. Requesting canine.
 - 3. Requesting air support.
 - 4. Notifying surrounding agencies, if appropriate.
- (d) The officer shall complete all necessary incident reports to ensure the preparation of an arrest warrant if the prisoner is not located.

➤ **Austin Police Department Policy 211.4.1: Response to Resistance Inquiry, Reporting, and Review: Employee Reporting Guidelines for All Force Level Incidents**

211.4.1 Employee Reporting Guidelines for All Force Level Incidents

The following outlines the reporting guidelines for involved employees, employees that witness an incident and employees designated to assist at the scene of any response to resistance incident.

- (a) An incident report shall be completed by the primary reporting employee and include title code 8400. This report shall be written regardless of whether a report or supplement would normally be written for the initial incident.
- (b) Supplements shall be completed by:
 - 1. All other employees who are involved in a force incident.
- (c) The following information shall be included in each report and supplement:
 - 1. The original reason for police presence on the scene.
 - 2. The name and employee number of the supervisor notified of the incident.
 - 3. A detailed description of the circumstances and subject actions that resulted in the response to resistance.
 - 4. A detailed description of the force used.
 - (a) Include specific details regarding any weapon used on a subject (e.g., when OC spray is used you document the number of bursts, duration of each burst, the approximate distance from the subject, the location of spray contact).
 - 5. Subject and witness information.
 - 6. Reports shall not contain "boilerplate" or "pat" language (e.g., "furtive movement" or "fighting stance") without descriptive details of the action.
 - 7. Involved employees shall also complete the force section of the "Details" page in their report/supplement.

➤ **Austin Police Department Policy 206.3: Control Devices and Techniques: Baton and Impact Weapon Guidelines**

206.3 Baton and Impact Weapons Guidelines

The baton and/or an impact weapon is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of a subject.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury. The head, neck, spine and groin should not be intentionally targeted except when the officer has an objectively reasonable belief the subject may cause serious bodily injury or death to the officer or others.

➤ **Austin Police Department Policy 200.4: Response to Resistance**

200.4 Response to Resistance

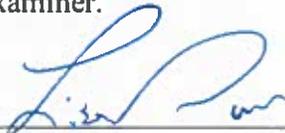
All responses to resistance must be objectively reasonable. In other words, another reasonable officer, faced with the same circumstances, could believe that the

officer's response to resistance was reasonable based on the threat, level of resistance, and totality of the circumstances.

While the type and extent of force may vary, it is the policy of this department that officers use only that amount of objectively reasonable force which appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this order.

By copy of this memo, Officer Garcia is hereby advised of this indefinite suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) days after receipt of a copy of this memo, a proper notice of appeal in accordance with Section 143.010 of the Texas Local Government Code.

By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Officer Garcia is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third-party hearing examiner, in accordance with the provisions of such Agreement. If appeal is made to a hearing examiner, all rights of appeal to a District Court are waived, except as provided by Subsection (j) of Section 143.057 of the Texas Local Government Code. That section states that the State District Court may hear appeals of an award of a hearing examiner only on the grounds that the arbitration panel was without jurisdiction or exceeded its jurisdiction, or that the order was procured by fraud, collusion or other unlawful means. In order to appeal to a hearing examiner, the original notice of appeal submitted to the Director of Civil Service must state that appeal is made to a hearing examiner.



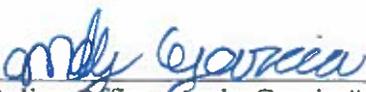
LISA DAVIS, Chief of Police

2-13-26 10:00 AM

Date & Time

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of indefinite suspension and I have been advised that if I desire to appeal that I have ten (10) calendar days from the date of this receipt to file written notice of appeal with the Director of Civil Service in accordance with the provisions of Chapter 143 of the Texas Local Government Code.



Police Officer Andy Garcia #10339

2/13/26 10:27 am

Date & Time