

DISCIPLINE OBJECTION

To: Chief Lisa Davis, Austin Police Department
From: Director Gail McCant, Austin Police Oversight
Date: February 26, 2026
Subject: 2025-2584 Discipline Objection

Dear Chief Davis:

On December 10, 2025, Austin Police Oversight (APO) received an external complaint from [REDACTED] alleging that Austin Police Department (APD) Police Officer Austin Zarling, AP #9310, and APD Police Officer William McRae, AP #7780, used excessive force during [REDACTED] arrest. On December 15, 2025, the complaint was forwarded to APD Internal Affairs Division as a Notice of Formal Complaint.

Disposition by APD Chain of Command

On February 4, 2026, APO was informed that the external complaint was administratively closed with a Class D classification. Officer Zarling and Officer McRae both received Class D memos, while another officer who participated in the transport of [REDACTED] received a Supervisor Minor Policy Violation. The NOC investigation completed by APD Internal Affairs Division investigated the following General Order allegation(s):

- 301.2 Impartial Attitude and Courtesy
- 200.4.2 Use of Force to Affect Detention, An Arrest or to Conduct a Search
- 303.4 Body Worn and Vehicle Camera System Operations

APO Discipline Objection:

APO disagrees with the findings and classification issued for the external complaint, as explained in the NOC investigation.

Officer McRae and Officer Zarling were patrolling on bicycles in downtown Austin. Officer McRae was riding on the sidewalk, and Officer Zarling was in the bike lane riding against the flow of traffic. Body-Worn Camera (BWC) footage clearly establishes that [REDACTED] was lawfully walking on the sidewalk when both officers approached her on bicycles. [REDACTED] stepped off the sidewalk and briefly into the street as both officers approached and passed. [REDACTED] actions appear to be precautionary, reasonable, and directly caused by the officers' manner of approach. She then began to return to the sidewalk. Both officers turned around to contact [REDACTED] for being in the roadway. She attempted to explain to the officers that she stepped into the street to allow them to pass, because an officer was riding on the sidewalk.

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Despite this explanation, Officer Zarling initiated a detention under the pretext that [REDACTED] was “illegally walking in the roadway.” This assertion is contradicted by video evidence and is materially misleading. It is clearly visible and audible on the BWC that [REDACTED] exited the sidewalk briefly, then returned to it, and when stopped by Officer Zarling, she provides the explanation for her actions. However, that information was absent from Officer Zarling’s General Offense Report. This omission deprived subsequent reviewers of critical context and inaccurately framed [REDACTED] as the sole cause of the encounter. I believe [REDACTED] explanation of her actions was reasonable, and it should have mitigated the need for officers to detain and question her further.

Officer Zarling asked [REDACTED] for identification, and she told officers it was inside one of the bags she was carrying. She began recording the stop with her phone and narrating what was happening, conduct that is lawful and constitutionally protected. As a result, she was met with almost immediate physical control tactics. Officer Zarling and Officer McRae each grabbed an arm of [REDACTED] and attempted to place her hands behind her back. Officer McRae performed a leg sweep that took [REDACTED] to the ground on her bottom and rolled her on her side. While attempting to put [REDACTED] hand behind her back, Officer Zarling delivered two closed-hand strikes to her back. She then rolled onto her stomach, and Officer Zarling placed his knee in the upper area of her back. [REDACTED] was secured in handcuffs and taken to Travis County Jail and charged with Resisting Arrest. The subsequent charge of Resisting Arrest is particularly concerning, given that [REDACTED] was never informed that she was under arrest prior to the use of force.

The level of force used against [REDACTED] was grossly disproportionate to the circumstances and lacked sufficient justification based on the nature of the stop. The IAD investigation and General Offense Report failed to provide context for the fact that [REDACTED] moved into the street to get out of the way of the officers as they approached her on bicycles. Officer Zarling unnecessarily escalated to using force by physically placing [REDACTED] hands behind her back with the intention of placing her under arrest, even though neither officer had communicated to her that she was under arrest for a legitimate reason. Furthermore, Officer McRae’s takedown and the two closed strikes by Officer Zarling were unreasonable given the circumstances of the incident. Officer Zarling failed to communicate to [REDACTED] that she was under arrest, but found it justified to charge her with Resisting Arrest. Given the fact that [REDACTED] was not informed that she was under arrest prior to the use of force, I believe the use of force, search, and seizure were all out of policy.

As [REDACTED] sat on the pavement in handcuffs waiting for transport, Officer Zarling then attempted to “explain what’s going on.” Understandably, [REDACTED] was not interested in Officer Zarling’s explanation and responded, “No, no, no, I’d like you to be held accountable”. And, like [REDACTED] Austin Police Oversight would like these two officers held accountable as well.

This encounter reflects bullying behavior, not professional policing. The officers used their authority to dominate and intimidate a community member who attempted to explain and document the interaction. What should have been, at most, a brief clarification, was instead transformed into an

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unjustified arrest due to impatience, lack of courtesy, and an apparent disregard for de-escalation principles.

The Officers' conduct did not reflect the expectations of an APD officer. After reviewing the APO and IAD digital case file, I believe the officers escalated a non-incident into an incident. I recommend that GO 301.2 Impartial Attitude and Courtesy and 200.4.2 Use of Force to Affect a Detention, An Arrest, or to Conduct a Search be **sustained**, and both Officer Zaring and Officer McRae receive a **suspension of 1-5 days**. This discipline is appropriate and necessary to reinforce accountability, deter similar conduct, and uphold the standards expected of Austin Police Department officers.

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 Austin Police Oversight."

Sincerely,



Gail McCant
Director
Austin Police Oversight