



DISCIPLINE RECOMMENDATION

TO: Chief Lisa Davis, Austin Police Department
FROM: Director Gail McCant, Office of Police Oversight
DATE: August 14, 2025
SUBJECT: 2025-0204 Discipline Recommendation

Dear Chief Davis:

On March 13, 2025, the Office of Police Oversight (OPO) received an internal Administrative Investigation, 2025-0204, alleging that Austin Police Department (APD) Police Officer Avery Zucchi, AP10051, was involved in a crash while driving a marked patrol unit. The crash injured several occupants of the other vehicles, and one occupant died from injuries received in the crash.

Disposition by APD Chain of Command

On July 21, 2025, OPO was notified by APD's Internal Affairs Division (IAD), that "the case involving Officer Avery Zucchi has been "Administratively Closed". This was an administrative inquiry only with no alleged policy violations."

OPO disagrees with the administrative closure and the conclusion of no policy violation regarding the following APD General Order:

- 400.1 Officer Response to Calls, Purpose and Scope
- 400.2.1 Code 3 (Emergency Operations)
- 804.2 General Operations of Department Vehicles

OPO Disposition Objection:

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

The investigation shows that Officer Zucchi was driving at a speed of 86 mph in a 35 mph zone two seconds before the accident. After anticipating the collision and applying the brakes, his speed at the time of impact was determined to be 64.7 mph, which remains an excessive rate for a city street. Officer Zucchi stated that traffic had increased to the point where he had to use the horn on top of his vehicle to get cars to yield. While OPO understands that Officer Zucchi was responding to a disturbance involving a subject armed with a gun on a "hotshot" call, officers are trained that they cannot assist effectively if they do not arrive safely.



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I believe Officer Zucchi's driving at 51 mph over the speed limit on a city street was not in compliance with GO 400.1, which states that "officers should be ever mindful that they have a responsibility to use caution, good judgment, and due care when operating vehicles in an emergency capacity to ensure the safety of motorists and pedestrians," GO 400.2.1, which states, "(a) When operating Code 3, officers may: 1. Exceed the speed limit but must regulate their speed so as not to endanger life or property," and GO 804.2, which states, "vehicles will be operated in such a manner and at a rate of speed that the driver, by use of ordinary care, can avoid colliding with another vehicle, object, or person."

Officer Zucchi received an Oral Reprimand for violating General Order 804.2 due to his involvement in a collision in October 2024. In that incident, he was also responding to a hotshot call when he passed a vehicle that had yielded to him, and another vehicle collided with him as he passed the stopped vehicle. In line with progressive discipline, OPO recommends that Officer Zucchi be issued a Written Reprimand for violations of GOs 400.1, 400.2, and 804.2.

Additionally, OPO recommends that APD consider revising GOs 400 and 804 to specify the maximum speed officers may drive when operating Code 3.

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
Office of Police Oversight