

## DISCIPLINE RECOMMENDATION

**To:** Chief Lisa Davis, Austin Police  
**From:** Director Gail McCant, Austin Police Oversight  
**Date:** April 20, 2026  
**Subject:** 2025-1411 Discipline Recommendation

---

Dear Chief Davis:

On June 14, 2025, Assistant Chief Michael Chancellor signed an internal complaint directing the Austin Police Department Internal Affairs Division (IAD) to conduct an Administrative Inquiry to determine if any violations of Department policy, Civil Service Rules, or state law had been committed by APD Police Officers Joseph Duelsler, AP# 9619; Kai Finch, AP# 9622; Martin Vela, AP# 9874; and Vincent Nguyen, AP# 9583, regarding an officer-involved shooting that occurred on March 31, 2025.

### Disposition by APD Chain of Command

The Administrative Inquiry was on hold pending litigation in the Travis County District Court, which was settled on March 5, 2026, when charges against each officer were declined with No Bill.

On April 2, 2026, APO was notified by IAD that the investigative case file had been forwarded to the officers' chain of command for disposition. At the time of this memo, no Notice of Sustained Allegation (NOSA) or Control Sheet was available for APO review.

The Administrative Inquiry involved the investigative review of the following General Order:

- APD Policy 202 Firearm Discharge Situations

### APO Disposition Recommendation: Exoneration & Administrative Closure

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

The investigation confirms that Officers Duesler, Nguyen, Vela, and Finch were involved in the use of deadly force involving the discharge of their handgun. The subject officers and multiple witness officers were interviewed and described the incident. Officers became involved with the suspect during a car pursuit involving a reported stolen auto. The suspect was the driver of the fleeing stolen auto, and during the chase, he crashed into a concrete wall and then another private vehicle. Immediately after crashing, the suspect began shooting through his car's windshield and toward the officers as they came to a stop and began exiting their police vehicles. Officers immediately returned shots at the suspect until his threatening actions ended. The suspect sustained one gunshot wound: entry wound into the right clavicle and exit wound above right armpit.

## DISCIPLINE RECOMMENDATION

The Administrative and Special Investigations Unit investigation revealed that Officer Finch used deadly force against the suspect by discharging his firearm one (1) time towards the suspect. During the IAD interview, Officer Finch told IAD that once he was able to get around the patrol vehicle to get a better angle on the suspect who was shooting at officers, he saw both of the suspect's *"hands married together with what looked like a pistol pointed at him and at that point is when he pulled the trigger."* Officer Finch stated he *"was at the C-pillar of Officer Duesler's car, which was directly in front of the suspect vehicle."* IAD asked Officer Finch what type of threat the suspect had presented, and Officer Finch responded, *"deadly force."* Officer Finch was asked what caused him to fire bullets at the suspect, and Officer Finch responded, the suspect *"presented a deadly threat, and I was in fear for my life as well as the officers nearby and the innocent civilians he had just crashed into."* IAD asked Officer Finch whether he had an opportunity to de-escalate. Officer Finch stated he did not since the suspect *"started shooting at officers immediately."* IAD also asked Officer Finch if he felt he complied with APD policy 202 Firearms Discharge Situations. Officer Finch stated he did because Mr. Guevara *"presented a deadly threat and we met him with deadly force,"* the Administrative and Special Investigations Unit investigation revealed that Officer Duesler used deadly force against the suspect by discharging his firearm five (5) times towards the suspect. During the IAD interview, IAD asked Officer Duesler what the first thing he remembered hearing after he stopped chasing the suspect. Officer Duesler said he remembered hearing the gunfire coming from the stolen vehicle. Officer Duesler explained he heard *"a pop of a windshield and then rounds just kinda flying past [him]."* IAD asked Officer Duesler what the first thing was he remembered seeing and Officer Duesler advised he saw *"the gun."* IAD then asked Officer Duesler when he first saw the gun the suspect was holding. Officer Duesler said due to his proximity, he was *"pretty close to the front bumper {of the stolen vehicle}, so [he] was able to see pretty clear through the windshield."* Officer Duesler was asked if he feared for his life, other officers', and the public's safety. Officer Duesler agreed and continued to say it was because the suspect *"was shooting intermittently through a windshield. There was traffic behind us. I knew at least the car that he collided into; that's at least one person. And then there was other officers that were on scene and coming behind us as well."* Officer Duesler was asked if he felt he complied with APD policy 202 Firearm Discharge Situations and he explained the suspect *"presented a deadly force. The only response to that is deadly force. There was no other tool I had access to that could have addressed the situation accordingly."*

The Administrative and Special Investigations Unit investigation revealed that Officer Vela used deadly force against the suspect by discharging his firearm seven (7) times towards the suspect. During the IAD interview, Officer Vela said he saw the stolen vehicle facing them and he remembered seeing the headlights of the stolen vehicle. Officer Vela was asked if he saw shots coming from the stolen vehicle, and he said he did, and he could tell they were coming from the stolen vehicle due to seeing the muzzle flash of the gun coming from the driver's seat. IAD asked Officer Vela what type of force the suspect displayed, and Officer Vela stated, *"deadly force."* IAD asked Officer Vela if he remembered hearing other officers shooting before he did. Officer Vela stated he thought he could hear other officers, but he was unsure due to also seeing the muzzle flash of the suspect's gun. Officer Vela stated that when he exited his vehicle, he, *"Remembered seeing the first two units still slow rolling and barely coming out of their patrol car. When he started hearing the shots being fired"*

## DISCIPLINE RECOMMENDATION

*which made him believe that they – the the suspect was already shooting at us, before any of us could come to, like, a complete stop. I remember seeing the glass of the suspect vehicle being – the front windshield with the muzzle flash also, break – like, breaking when the suspect was shooting at us.”*

IAD asked Officer Vela what he felt at that moment. Officer Vela responded he was *“in fear not only for his life but for the APD officers that were on scene with him, the pedestrians that might have been on the road, the drivers that were on the road, especially because of the time.”* IAD followed up and asked Officer Vela what his specific fear for others was, and Officer Vela said, *“they might have been, you know, either killed or seriously injured.”* IAD asked Officer Vela if he complied with APD policy 202 Firearms Discharge Situations. Officer Vela advised he did comply due to being *“met with a deadly threat, so they responded with deadly force.”*

The Administrative and Special Investigations Unit investigation revealed that Officer Nguyen used deadly force against the suspect by discharging his firearm (18) times towards the suspect. During the IAD interview, Officer Nguyen said he and other officers intended to initiate a high-risk traffic stop due to the vehicle being stolen, so he had his duty gun out ready to go through a high-risk traffic stop. Officer Nguyen told IAD he saw the suspect, *“punched out with a handgun in his hand, pointing towards the windshield and then he first saw the initial muzzle flash when [the suspect started] shooting through the windshield and that’s when he immediately returned fire.”* IAD asked Officer Nguyen to describe how he knew the shots were coming from the stolen vehicle. Officer Nguyen described the stolen vehicle had turned to face their patrol vehicle, he observed the suspect, *“lean forward with a gun in his hand, pointing it towards the windshield and he saw the first initial muzzle flash. And he could see that [the suspect] had a gun in his hand and [the suspect] was shooting at them.”* IAD followed up and asked Officer Nguyen if he was afraid for the safety of other officers or the public in the area. He stated he was. IAD asked him what made him feel fear and Officer Nguyen said it was due to the suspects, *“actively shooting. You know, I don’t – you know, last thing I want is an officer to get hurt or killed or I want nobody to get hurt or killed...”*

Officer Nguyen was asked if there was any time for de-escalation. He stated there was not due to the suspect providing *“no signs of compliance and just immediately started shooting after crashing.”* IAD asked Officer Nguyen if he felt he complied with APD policy 202 Firearms Discharge. Officer Nguyen said he did due to being *“faced with deadly force, saying I was in fear that, you know, I was gonna get shot or somebody else was gonna get shot. So, that – that if I didn’t essentially, like – you know, use deadly force back to essentially stop him, someone was gonna get hurt or somebody was gonna die.”*

I believe the actions of the Officers were within policy, as deadly force was utilized to stop a suspect armed with a handgun and pointed toward the officer. The actions of the suspect seen on BWC show noncompliance with the officer’s commands before the use of deadly force. The suspect could have complied with commands to indicate he was not a threat to the officer's safety or that of nearby citizens.

## DISCIPLINE RECOMMENDATION

I also believe the officers did not have the opportunity to initiate additional de-escalation tactics. The armed suspect immediately became a threat.

Based on the above factor, I recommend Exoneration for each officer and the administrative closure of the case.

In compliance with Section 2-15-5(B) of the City Code, I request the Chief to “provide a detailed public, written explanation for not following a recommendation of the Office of Police Oversight.”

Sincerely,



Gail McCant  
Director  
Austin Police Oversight

