



DISCIPLINE RECOMMENDATION

TO: Chief Lisa Davis, Austin Police Department
FROM: Director Gail McCant, Office of Police Oversight
DATE: September 16, 2025
SUBJECT: 2025-0119 Discipline Recommendation

Dear Chief Davis:

On February 17, 2025, the Office of Police Oversight (OPO) received an anonymous online complaint, #2025-0119, alleging that Austin Police Department (APD) Police Officer Garrett Miller (AP#9091) had posted racially insensitive and generally inappropriate content on his social media accounts while wearing his APD uniform, which was embarrassing for the department.

Disposition by APD Chain of Command

On August 13, 2025, OPO was notified by APD's Internal Affairs Division (IAD) that the investigative case file had been forwarded to Officer Miller's chain of command. At the time of this recommendation memo, OPO did not have access to the Control Sheet or the Notice of Sustained Allegation (NOSA) from Officer Miller's chain of command.

IA reviewed the following APD General Orders in relation to these allegations:

- 301.2 Impartial Attitude and Courtesy
- 972.4 Prohibited Speech, Expression and Conduct

OPO Disposition Recommendation: Written Reprimand

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 file substantiates that Officer Miller, on multiple occasions, referred to individuals and individual's acts or actions on his personal Facebook page as "gay," which is commonly recognized as a derogatory statement toward the LGBTQIA community. The context in which he used the word is aligned with a negative observation of the topic he is discussing, which clearly demonstrates he understands the negative nature of the word "gay."

When IAD asked Officer Miller if he would use the terminology again, he stated, *"I can see how it would be offensive to people... And in this case, it is my Facebook is as private as I can make it but some - it has made its way outside those walls or maybe somebody within the walls of my Facebook was offended by it, so I would take the precautionary steps to prevent another incident like that."* This infers he understands he violated the General Orders. However, when asked if he complied with GOs 301.2 and 972.4 he stated, *"Yes."* His justifications are, the acts didn't occur at work or outside of work, and his Facebook page is private, and the statements weren't meant to be offensive. However, Officer Miller acknowledges how his remarks may be offensive to someone reviewing his Facebook page, which includes his private friends.



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I believe there should be a sustained findings for the following APD General Order violations:

Sustained - 301.2 Impartial Attitude and Courtesy

Sustained - 972.4 Prohibited Speech, Expression and Conduct

Considering the totality of the circumstances and in alignment with APD's General Orders, the Office of Police Oversight recommends that Officer Miller receive an oral reprimand. Officer Miller's violation of Policy 972.4 does not meet the specific definition outlined in the discipline matrix, in that his conduct was not for "personal gain." Therefore, I believe an oral reprimand is an appropriate disposition based on the facts of this incident.

The case was transferred to IAD in February 2025. Officer Miller was the only person interviewed to understand the scope of his actions. I understand discovery and evidence had to be collected from his personal cell and computer were necessary steps in the process, but at the same time six months appears to be a long-time to complete this investigation. I encourage you to implement investigative practices within APD that will allow faster turnaround on these types of investigations while still ensuring thoroughness.

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

Office of Police Oversight