

DISCIPLINE RECOMMENDATION

To: Chief Lisa Davis, Austin Police Department
From: Director Gail McCant, Austin Police Oversight
Date: July 20, 2026
Subject: 2025-0087 Discipline Recommendation

Dear Chief Davis:

On January 24, 2025, Commander Michael Burgeson signed an internal complaint directing the Austin Police Department Internal Affairs Division (IAD) to conduct an Administrative Investigation into the actions of APD Police Officer Daniel Kessler, AP7078, who was involved in a collision with two civilian vehicles while responding to a call for service.

Disposition by APD Chain of Command

The Administrative Investigation was placed on hold pending litigation in the Travis County court. The case was resolved on July 2, 2026, when Officer Kessler pleaded guilty to two counts of speeding, Class C Misdemeanors, and was assessed a \$500 fine for each count.

On July 8, 2026, APO was notified by IAD that the investigative case file had been forwarded to the officer's 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 IAD investigation involved a review of the following General Orders:

- 400.2 – Emergency Response and Vehicle Operations
- 804.2 – General Operation of Department Vehicles
- 900.1.1 – Responsibility to Know and Comply, to wit:
 - Austin City Ordinance § 12-1-34 – Use of Portable Electronic Devices While Driving a Motor Vehicle, Bicycle, or Micro-Mobility Device.
 - Texas Transportation Code Section 545.4251 – Use of Portable Wireless Communication Device for Electronic Messaging.

APO Disposition Recommendation: Sustained - More Than 15 Suspension Days, Including Indefinite Suspension

Upon reviewing the investigative file, I believe IAD conducted a thorough and unbiased investigation, collecting and analyzing all pertinent information related to the incident.

On January 21, 2025, Officer Kessler was responding to a traffic stop involving a stolen vehicle. Officer Kessler activated his lights and sirens and began responding to the call from approximately three miles away. While traveling eastbound through the intersection of 290 Frontage Road and Cameron Road, Officer Kessler collided with two civilian vehicles. During a review of his Body-Worn Camera (BWC) footage, Officer Kessler was observed texting and driving during his emergency response, causing him to fail to properly clear the intersection and caused the collision. As a result

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of the collision, Officer Kessler and three individuals were transported by Emergency Medical Services (EMS) to local hospitals for treatment of their injuries, including a driver who sustained a large laceration to the forehead.

Officer Kessler's BWC footage shows him engaged in a text message conversation up to the moment of the vehicle collision. During his response, he is observed driving with one hand while holding his phone in the other. The BWC also shows Officer Kessler on three separate occasions, each lasting between 11-34 seconds, removing both hands from the steering wheel to continue typing his text message. During his IAD interview, Officer Kessler was asked whether the text conversation he was having was urgent, and he responded that it was not. As shown on the BWC, it appears Officer Kessler was awaiting a response to his text message, indicating he may have continued this behavior.

Officer Kessler's actions demonstrate a disregard for the safety of those around him, as evidenced by his distracted driving and the resulting vehicle collision. As a result of his inattentive driving, he not only put the safety of the community at risk but also caused injuries to those involved. By engaging in this conduct, Officer Kessler loses credibility in his ability to enforce traffic laws while policing the community he serves. Given his history of sustained driving-related accidents, it appears Officer Kessler is not capable of operating a police vehicle responsibly in his official capacity.

Therefore, I recommend a finding of **Sustained** for GO 400.2 – Emergency Response and Vehicle Operations, GO 804.2 – General Operation of Department Vehicles, and GO 900.1.1 – Responsibility to Know and Comply, and recommend that Officer Kessler receive discipline of **More Than 15 Suspension Days, Including Indefinite Suspension**.

In compliance with Section 2-15-5(B) of the City Code, I request that the Chief "provide a detailed public, written explanation if the Chief does not follow a recommendation of the Office of Police Oversight to impose discipline."

Sincerely,

Ryan Alvarez on
behalf of Gail McCant

Digitally signed by Ryan Alvarez
on behalf of Gail McCant
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Gail McCant
Director
Austin Police Oversight