

Integrity Bulletin

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The Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) is committed to providing the citizens of Kansas with qualified, trained, ethical, competent, and professional peace officers. It is also dedicated to adopting and enforcing professional standards for certification of peace officers to promote public safety and preserve public trust and confidence.

Kansas law enforcement administrators have a valuable tool for conducting applicant background investigations. That tool is the Central Registry. K.S.A. 74-5611 requires that "The commission shall establish and maintain a central registry of all Kansas police officers or law enforcement officers. The ***purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers.*** The registry shall be made available only to those agencies who appoint or elect police or law enforcement officers."

The Central Registry is a pointer system, allowing KS-CPOST to direct a hiring agency back to the agency or agencies where an officer may have been previously employed. A Notice of Termination or Status Change (CR304) is required when an officer leaves employment. This form provides an explanation of the circumstances under which the officer resigned or was terminated. This status change form is available to all agencies who review employment applications. To obtain the form, the hiring agency need only send KS-CPOST an Agency Request Form (CR340). The hiring agency will then be provided information regarding where the applicant has worked in Kansas law enforcement and the reason(s) the officer left an agency.

Agencies often contact KS-CPOST and inquire only if a potential employee's certification is current. These agencies fail to get information regarding an officer's past performance that may impact a hiring decision. KS-CPOST receives many status change forms that include terminations for performance-related issues, not related to violations of the Training Act. KS-CPOST takes certification action only in cases involving violation of the Training Act. KSCPOST does not take action in cases of termination for performance-related issues. Thus, an officer can be terminated multiple times even by multiple agencies, yet still maintain a current

certification. Hiring agencies should obtain all of the information (status change forms) available to them from the Central Registry to make informed hiring decisions.

Terminated officers should be aware of a Central Registry tool that is available to them. K.S.A. 74-5611 (d) provides that "The terminated officer may submit a written statement in response to the termination and any such statement shall be included in the registry file concerning such officer." The Terminated Officer Statement, form (CR305) is used for this report. The report provides a terminated officer with the opportunity to provide his/her explanation of the circumstances regarding the termination. The officer's report is also included with the information sent to hiring agencies requesting information from the central registry.

Another background investigation tool available to Kansas law enforcement is the National Decertification Index (NDI). The NDI is hosted by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). The NDI is a searchable national registry of certificate or license actions related to officer misconduct. Hiring agencies may gain access to the NDI by sending a request letter to KS-CPOST with the names of the persons authorized by the agency to review the information. Further information about NDI can be obtained on the IADLEST website or by contacting KS-CPOST.

The Central Registry is not a blacklist of officers but is intended as a resource for hiring agencies. KS-CPOST is not suggesting that officers terminated from previous law enforcement employment should not be hired. KS-CPOST is also not suggesting that a check with the central registry is all that is required for a background investigation. Agencies should conduct complete and thorough background investigations on applicants and agencies should use all tools available to obtain complete information to make informed hiring decisions.

All forms mentioned above and a copy of the [Law Enforcement Training Act](#) may be obtained on our website at KSCPOST.org. KS-CPOST's primary objective is to obtain compliance and to be a resource for Kansas law enforcement.

Case Summaries:

An officer sent inappropriate photos of a sexual nature taken while on duty, in uniform and inside his agency building to another employee and used a department computer to search the internet for pornography. The officer did not cooperate in the KS-CPOST investigation. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(h) Unprofessional Conduct, exploiting or misusing the position as an officer to establish or attempt to establish financial, social, sexual, romantic, physical, intimate, or emotional relationship, and K.S.A. 74-5616(b)(3) failing to cooperate in a commission investigation to determine a person's continued suitability for law enforcement certification.

An officer hindered an on-going investigation into a felony drug case and made false statements in his official report. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(e) Unprofessional Conduct, taking, threatening to take, or failing to take action as an officer if the action is or reasonably would appear to be motivated by familial, financial, social, sexual, romantic, physical, intimate, or emotional relationship, and K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.

An officer was found to have used marijuana. Her certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(5) Unprofessional Conduct, using any controlled substance that is unlawful to possess as defined by K.S.A. 21-5706.

An officer placed hidden cameras in the bedroom and bathroom of another person's house. The officer was convicted of felony burglary and felony breach of privacy. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5605(b)(3) and K.S.A. 74-5616(b)(1).

An officer failed to complete the required annual forty (40) hours of law enforcement in-service training. The officer submitted an extension request citing that he did not realize the training period was from July 1, 2014 to June 30, 2015. The request was denied. A Summary Order of Reprimand was issued pursuant to K.S.A. 74-5607a and K.S.A. 74-5616(b)(4). Additionally, the officer was ordered to complete the TY2015 delinquent training hours within three (3) months of the issuance of the reprimand.

An officer failed to complete the required annual forty (40) hours of law enforcement in-service training. The officer submitted an extension request which was approved. The extension, by KSCPOST in-service training guidelines, was ninety (90) days from the close of the training year June 30th (not from the date the request was submitted). The officer was delinquent at the expiration of the extension. A Summary Order of Reprimand was issued pursuant to K.S.A. 74-5607a and K.S.A. 74-5616(b) (4). Additionally, the officer was ordered to complete the delinquent training hours within two (2) months of the issuance of the reprimand.

An officer failed to complete the required annual forty (40) hours of law enforcement in-service training. The officer submitted an extension request which was approved. The extension, by KSCPOST in-service training guidelines, was seventy-five (75) days from the close of the training year June 30th (not from the date the request was submitted). The officer was delinquent at the expiration of the extension. A Summary Order of Reprimand was issued pursuant to K.S.A. 74-5607a and K.S.A. 74-5616(b) (4). The delinquent hours were completed by the time the order was issued.

A deputy became intoxicated and went to the home of his ex-wife. There he took out a pistol, pushed her down on a couch, held her down as he held the pistol to his head and threatened to commit suicide. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character, K.S.A. 74-5616(b)(5), K.S.A. 74-5602(j) engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime of a domestic violence, and K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(30) engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Criminal Damage to Property.

A deputy was found to have used his department issued vehicle to travel to work at another job and submitted time sheets to his department for work he had been paid for as a contractor. He entered into a diversion agreement on three counts of Official Misconduct and three counts of Theft. His certification was revoked by Summary Order as a result of violations of and K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(26) and (45) engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Official Misconduct and Theft. It should be noted that the officer agreed to voluntarily surrender all law enforcement credentials and licensing as a condition of the diversion agreement.

A deputy developed and engaged in a sexual relationship with an 18 year-old member of his agency's cadet program. The cadet had been assigned to ride on patrol with him on several occasions. When confronted about the relationship, he lied to a supervisor. He also lied in a written report and during the subsequent internal investigation. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(h) Unprofessional Conduct, exploiting or misusing the position as an officer to establish or attempt to establish financial, social, sexual, romantic, physical, intimate, or emotional relationship, and K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.

A deputy attempted to return or exchange a police scanner at a local electronics store. The clerk discovered that the box contained a non-functioning display model, which was identical to a display unit stolen earlier from a nearby store. During the ensuing internal investigation, the deputy admitted that he had been untruthful during his contacts with the store personnel, the criminal investigators, and during his first interview with the internal affairs investigator. The deputy also admitted that he was routinely not paying sales taxes for retail purchases that were not tax-exempt, although he had declared under penalty of perjury that he was entitled to tax-exempt status. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character, K.S.A. 74-5616(b)(5), engaged in conduct which, if charged as a crime, would constitute a felony, i.e. perjury and K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.

A deputy was convicted of one count of aggravated criminal sodomy – a felony. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5605(b) (3) and K.S.A. 74-5616(b) (1).

A deputy filed a false State Motor Vehicle Accident Report. The deputy reported that the accident occurred several days later than it did, so that a friend's minor daughter, the only driver involved, had time to obtain a driver's license. The deputy did not cooperate in the KSCPOST investigation. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5605(a)(6), K.S.A. 74-5605(a)(6) Good Moral Character [prior to July 1, 2012], and K.S.A. 74-5616(b)(3) failing to cooperate in a commission investigation to determine a person's continued suitability for law enforcement certification.

A deputy, while on-duty, pointed a rifle at and verbally threatened to shoot a dispatcher. The deputy had previously been diagnosed with and treated for Post-Traumatic Stress Disorder (PTSD) in 2009 and 2014. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character, K.S.A. 74-5605(b)(7) be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment, i.e. PTSD, and K.S.A. 74-5616(b)(5), engaged in conduct which, if charged as a crime, would constitute a felony, i.e. Aggravated Assault and Criminal Threat.

An officer served with a protection from abuse (PFA) order which stated the he was to have no contact his ex-wife - directly or indirectly. The officer violated the PFA on four (4) occasions and was convicted of three (3) counts of Disorderly Conduct. His certification was revoked by

Summary Order as a result of violations of and K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(44) and (50) engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Violation of a Protective Order and Disorderly Conduct. It should be noted that K.A.R. 106-2-2a(c) states that a certified copy of the order or journal entry documenting conviction of a misdemeanor shall constitute prima facie evidence of having engaged in such conduct.

A GPS device was placed on an officer's patrol vehicle following numerous complaints about being at his residence when he was supposed to be working. The GPS showed the officer was at home or other places when his department activity sheet reflected he was in the county patrolling. The officer lied about his conduct during the KSCPOST investigation. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character and K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.

An officer got into an argument with a woman that he had previously dated and lived with - during which he pushed her head into a wall. During the argument, the officer reported to dispatch his status as being on a separate scene of a suicidal subject and confirming the scene was secure. The officer admitted he was never on that scene and did not know its status. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(5), K.S.A. 74-5602(j) engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime of a domestic violence, and K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.

An officer attempted to friend a female on Facebook after meeting her on duty. A complaint was filed with his department and the respondent was advised against this type of behavior. Another complaint was filed by a woman the officer had met while filling out a witness statement as part of a police case. The officer later contacted her on Facebook. The officer's department ordered him to have no contact with any female he obtains information on during the course of his employment and not to use any police information in his social life. The officer subsequently contacted several more women, he had met through his official duties, on Facebook. The officer lied to investigators about his conduct - only later admitting that he had used a generated number that is created by an app to disguise his phone number to make contact with these women. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(h) Unprofessional Conduct, exploiting or misusing the

position as an officer to establish or attempt to establish financial, social, sexual, romantic, physical, intimate, or emotional relationship, and K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.

An officer was convicted of a second offense of Driving under the Influence. His certification was revoked by Summary Order as a result of violations of and K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(58) engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. a second or subsequent occurrence of driving under the influence. It should be noted that K.A.R. 106-2-2a(c) states that a certified copy of the order or journal entry documenting conviction of a misdemeanor shall constitute prima facie evidence of having engaged in such conduct.

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