

Integrity Bulletin

Volume 9

January 2018

The Kansas Commission on Peace Officers' Standards and Training (KSCPOST) 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.

Anyone reading this Integrity Bulletin will recognize that KSCPOST is active in monitoring the actions of Kansas law enforcement and pursuing certification actions in appropriate cases. Kansas law enforcement officers should review and be thoroughly aware of the Kansas Law Enforcement Training Act (KLETA) and Kansas Administrative Regulations that regulate officer certifications. Both are readily available on our website.

Who can be employed as a law enforcement officer? Most employment disqualifiers, like felony convictions, are obvious. However, juvenile adjudications create confusion for employers. There are crimes and behaviors that are not disqualifiers prior to employment but lead to certification actions if those same crimes and behaviors are committed while employed as a law enforcement officer. The following statement was developed by the Commission to serve as a resource and to provide for consistency for agencies that hire law enforcement officers in Kansas:

COMMISSION STATEMENT REGARDING JUVENILE ADJUDICATIONS AND CRIMINAL CONVICTIONS PRIOR TO CERTIFICATION

The Kansas Commission on Peace Officers' Standards and Training (Commission) seeks, as a resource to law enforcement agencies in hiring decisions, to clarify those criminal convictions that are a disqualifier for certification as a law enforcement officer.

Felony Convictions and Misdemeanor Crimes of Domestic Violence are Disqualifiers

K.S.A. 74-5605(b)(3) states that each applicant for certification shall not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the Commission.

Misdemeanor Theft Conviction within 12 months of Application is a Disqualifier

K.A.R. 106-2-2 defines misdemeanor theft within 12 months before the date of application for certification as the one crime that would constitute a misdemeanor offense that the Commission shall determine reflects on the honesty, trustworthiness, integrity or competence under K.S.A. 74-5605(b)(3).

Juvenile Adjudication NOT a Disqualifier

The definition of "conviction" in K.S.A. 74-5605(d) includes expungements, diversions, and deferred judgment agreements. It does not include juvenile adjudications or an Immediate Intervention Program. A juvenile adjudication is not a criminal conviction, but a civil action. State v. Kelly, 298 Kan. 965 (2014). A 1999 Attorney General Opinion found that felony juvenile adjudications were not a disqualifier for law enforcement certification, but that a felony diversion as a juvenile was a disqualifier. Att'y Gen. Op. No. 99-34. In 2010, the AG withdrew the 1999 Opinion and expressed that K.S.A. 74-5605(b)(3) does **NOT** apply to juvenile offenders in either a felony adjudication or diversion, indicating that the previous distinction disqualifying a diversion but not an adjudication was an absurd result. Att'y Gen. Op. No. 2010-11. The Commission adopted the 2010 AG's Opinion. Therefore, a juvenile adjudication, diversion, or expungement is not a disqualifier for certification as a law enforcement officer, unless the juvenile was tried and convicted as an adult.

58 Misdemeanor Crimes NOT Disqualifiers

The 58 misdemeanor crimes set forth in K.A.R. 106-2-2a(a) apply to conduct, whether or not charged as a crime or resulting in a conviction, after an officer has become certified. Therefore, convictions for these misdemeanors are not a disqualifier for initial certification as a law enforcement officer.

In setting forth this position, it is the Commission's desire that individual agencies are left with discretion to hire within the needs of their department, while balancing the need for consistency and adherence to the statutory provisions of the Kansas Law Enforcement Training Act. Although convictions for the misdemeanors set forth in K.A.R. 106-2-2a(a) and juvenile adjudications are not disqualifiers for certification as a law enforcement officer, the Commission would like to caution that agencies should nevertheless consult with their local prosecutor to determine if an applicant's criminal history would present credibility issues pursuant to *Giglio v. United States*, 405 U.S. 150 (1972) and *Brady v. Maryland*, 373 U.S. 83 (1963).

Case Summaries:

An officer leaked case information about another agency's investigation to officers both within and outside of his department. During the investigation into the leak, the officer was questioned about his knowledge of the case and denied telling anyone of the investigation, thereby interfering with the investigation. The officer eventually admitted he had lied.

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(35) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Interference with law enforcement.**

An on-duty officer backed a patrol vehicle into a parked vehicle and left the scene. When questioned about what had happened, the officer said, "I didn't think I hit that truck." The patrol vehicle was equipped with in-car video camera. As the officer backed the patrol vehicle, the vehicle came to an abrupt stop, a crunch could be heard, and the camera shook. The agency investigated and found a parked F-150 pick-up truck with minor damage consistent with the damage on the patrol vehicle. A different patrol vehicle's in-car video showed the officer walk immediately to the area of fresh damage from the collision and rub at it.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.**

An off-duty officer was driving his personal vehicle and collided into his wife's vehicle. During the collision investigation, the officer lied to the investigating officer and claimed that his wife had been driving at the time of the collision. Alcohol may have been a factor in the collision. The officer also lied to command staff about how the collision occurred. The officer eventually admitted to driving at the time the collision occurred, and to lying to the investigating officer. In a separate TOC investigation, the officer lied to the investigating officer about the presence of alcohol in his vehicle while driving in the country. The investigation was initiated after a passenger in the vehicle sent out a SnapChat video showing the officer driving and what appeared to be open cans of beer with the caption, "Something about riding with an off duty sherricf [sic] makes you feel safe lol."

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(35) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Interference with law enforcement**, 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 off-duty officer was involved in a vehicle collision, made a fraudulent claim to his insurance agency, and received a settlement. He was charged with a felony in the district court under the Fraudulent Insurance Act, and entered a diversion agreement.

The officer's certification was revoked by Consent Agreement and Order of Revocation for 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, whether or not charged as a crime or resulting in a conviction, would constitute a felony.**

An officer was arrested for driving under the influence and entered into a diversion agreement on August 11, 2008. The officer entered a second diversion agreement for driving under the influence on March 1, 2017.

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(58) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Second or subsequent occurrence of driving under the influence.**

An officer was involved in a domestic disturbance at his residence and was arrested for aggravated assault and domestic battery. He plead guilty to misdemeanor domestic battery.

The officer's certification was revoked by Summary Order of Revocation for 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, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime of domestic violence as defined in the Kansas law enforcement training act at the time the conduct occurred.**

An officer was investigated by his agency for allegations that he was engaging in an extramarital affair both on and off-duty. When questioned as part of the agency investigation, the officer lied to his supervisor and provided a false written statement. Once confronted with evidence of the affair, the officer admitted he had lied and been dishonest about the affair both verbally and in writing.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.**

An officer was transporting an inmate within a county correctional facility. The inmate refused to leave the cell, was subsequently placed in handcuffs, and removed from the cell. When the inmate was returned to the cell, he resisted and was placed against the cell wall. The officer struck the side of the inmate's face with his right arm while the inmate was still handcuffed.

The officer's certification was revoked by Consent Agreement and Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(6) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the**

honesty, trustworthiness, integrity or competence of the applicant, i.e. battery, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(f) Unprofessional Conduct, using excessive physical force in carrying out a law enforcement objective.

An officer was caring for his infant son while the child's mother was working. The officer reported to 911 that the infant was having difficulty breathing. Emergency responders arrived to find the child unconscious. The infant was flown by helicopter to a hospital in Wichita, where he died from blunt force injuries to the head. The child was found to have been the victim of severe and repeated abusive trauma. The officer was charged with felony murder and child abuse. Although the officer was found not guilty in the criminal trial, there was clear and convincing evidence that the officer's conduct constituted felony involuntary manslaughter and misdemeanor endangering a child. The officer left his CPOST interview and did not cooperate in the CPOST investigation.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication, K.S.A. 74-5616(b)(5) engaged in conduct which whether or not charged as a crime or resulting in a conviction, would constitute a felony, i.e. involuntary manslaughter, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(14) engaged in conduct which whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. endangering a child, 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.**

In unrelated cases, three officers from separate agencies failed a Fitness for Duty Examination. In all three cases, a licensed psychologist found that the officer was not fit for duty. Each officer's certification was suspended until the officer completes a psychological assessment, approved by the Commission, indicating that the officer is free of any mental condition which adversely affects the ability to perform as a law enforcement officer with reasonable skill, safety and judgment.

These officers' certifications were suspended by Summary Order of Suspension under of K.S.A. 74-5616(b)(1), 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.**

An officer was employed at a law enforcement agency but seeking employment at a different agency, which required a polygraph examination as part of the application process. During the pre-test interview, the officer revealed that he kept a knife that was evidence in a found property case. He was required to address the matter with his current agency before the second agency would consider his application. An investigation revealed that the knife was not found property as stated by the officer, but was evidence given to the officer by the victim of a criminal damage case. Although criminal charges filed against the officer were dismissed, there is clear and convincing evidence that the officer's conduct constituted misdemeanor theft.

After a hearing before the CPOST Hearing Panel, the officer's certification was revoked by an Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(26)**

engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Theft.

An officer entered a diversion agreement for one count of misdemeanor theft. In a separate criminal case, the officer was found guilty of one count of misdemeanor giving a worthless check.

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(26) & (31) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Theft and giving a worthless check.**

An officer was in a dating relationship and living with that person. A verbal altercation between the two escalated into a physical fight. The officer told responding officers, "The fight was my fault...I hit him first by slapping him on the face." The victim had several small scratches on his neck and several small cuts on his hand. The officer entered a diversion agreement in municipal court for one count of domestic battery.

The officer's certification was revoked by Summary Order of Revocation for violation of K.S.A. 74-5616(b)(5) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime of domestic violence as defined in the Kansas law enforcement training act at the time the conduct occurred.**

An officer was transporting an inmate from one jail to another jail. The officer became angry at the inmate when the inmate removed a loose handcuff. The officer used profanity at the inmate and slapped him on the back of the head, which was recorded by the facility's security system. Concerned jail staff reported the incident. The officer was charged and entered a diversion agreement in a district court for one count of battery and one count of disorderly conduct.

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(6) & (50) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Battery and disorderly conduct**, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(f) **Unprofessional Conduct, using excessive physical force in carrying out a law enforcement objective.**

An off-duty officer was seen at a nightclub by a departmental supervisor. The next morning the officer reported for work late and had a strong odor of alcohol on his breath. The officer was given a PBT with a result of .087. The officer was questioned by command staff and denied drinking at the bar.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication**, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(3) **Unprofessional Conduct, performing duties as an officer while using or under the influence of alcohol.**

An officer took a report on a sexual battery case and didn't respond to a supervisor's requests for follow-up. The officer lied about completing the follow-up, stating she had spoken to the minor victim's mother when she

had not. Upon being confronted about the discrepancy, the officer told command staff she was starting to doubt her own memory and starting to question everything she did. The officer submitted to a Fitness for Duty Examination, where a licensed psychologist found she was not fit for duty. The officer did not cooperate with the CPOST investigation.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication**, K.S.A. 74-5616(b)(1), 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**, 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 accessed the Kansas Criminal Justice Information System (KCJIS) through the MDT in his patrol vehicle to look at driver's license photos of six different women. He used his cell phone to take photos of the women's licenses. During an investigation he admitted to knowing that this was a violation of KCJIS and that he had used the code for criminal investigation to run the queries, which was false.

The officer's certification was revoked by Consent Agreement and Order of Revocation for violations of K.S.A. 74-5616(b)(5) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a felony, i.e. Unlawful Acts Concerning Computers**, 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 a participant in a crime scene investigation training program that included regular testing. On several tests, other students saw the officer look at his cell phone or notebook and then write answers on his test. In an agency investigation, the officer denied looking at his cell phone or notebook for test answers. Command staff indicated that they would like to examine his cell phone to determine if the officer accessed the study guide app during the test. The officer then admitted to using his notebook and cell phone to look up test answers.

After a hearing before the CPOST Hearing Panel, the officer's certification was revoked by an Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication**.

An officer was convicted of one count of domestic battery against his wife in California in 1995. In 1997, the officer withdrew his guilty plea, entered a plea of not guilty, and was granted a dismissal of his case pursuant to Cal.Penal Code 1203.4. This process is tantamount to an expungement under Kansas law. Despite his conviction in California, the officer asserted that he met the minimum qualifications for certification in Kansas, and became certified in 2002.

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3) **not have been convicted of a crime that would constitute a misdemeanor crime of domestic violence**.

An affidavit was submitted to a city council alleging that an officer had been smoking marijuana with private citizens while on-duty and in uniform. The city council asked the officer to submit to a drug test. The officer refused the test, stating that he would fail. The officer claimed that he had used marijuana for migraines, and resigned. In an interview with CPOST, the officer claimed that his statements to the city council were sarcastic because he was upset that they were not standing up for him and that they were relying on an affidavit from a drug dealer he was investigating. The officer denied using marijuana in the past thirty years, but that claim was inconsistent with other documented statements made by the officer concerning his past drug use.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication**, K.S.A. 74-5616(b)(3) **providing false information in a commission investigation to determine a person's continued suitability for law enforcement certification.**

An off-duty officer consumed numerous alcoholic drinks then drove his vehicle and struck two parked cars. The officer left his vehicle and fled on foot. During three separate interviews regarding the collision and his actions, the officer denied being the driver of the vehicle or knowing anything about the accident. The officer was charged and entered a diversion agreement in district court for traffic charges and interference with law enforcement.

After a hearing before the CPOST Hearing Panel, the officer's certification was revoked by an Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication**, , K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(35) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Interference with law enforcement.**

An officer was conducting a DUI investigation. His backing officer became concerned that the officer appeared to be high or drunk, which was even pointed out by the subject of the DUI investigation. The officer was called in to the chief's office. The officer submitted to a UA, which screened positive for Opioids, Oxycodone, Benzodiazepines, and Amphetamines. The officer was given a second test the following day with the same results. The results of both tests were confirmed by an independent laboratory. Before the investigation of the officer was complete, the chief was contacted by an out-of-state government agency. The officer had applied to their department, but they determined that the four letters of reference submitted by the officer in his application were falsified. During his CPOST interview, the officer admitted to "altering" the letters.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication**, K.S.A. 74-5616(b)(5) **engaged in conduct which whether or not charged as a crime or resulting in a conviction, would constitute a felony, i.e. Forgery.**

An officer entered a diversion agreement for seven counts of Wire Fraud and one count of Making a False Statement During a Federal Investigation in the United States District Court.

The officer's certification was revoked by Summary Order of Revocation for 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, whether or not charged as a crime or resulting in a conviction, would constitute a felony.**

An officer hosted a party where minors consumed alcohol. The officer claimed he was not aware that the minors were drinking, but clear and convincing evidence presented at a hearing showed otherwise. Several of the minors that were drinking at the party stated that the officer was present in the garage while they were doing so. The officer was also recognized in some SnapChat photos as being in the garage with minors and alcohol present. The officer was charged and entered a diversion agreement in municipal court with the misdemeanor crime of unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.

After a default hearing before the CPOST Hearing Panel, the officer's certification was revoked by an Order of Revocation for 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.A.R. 106-2-2a(a)(25) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.**

An officer conducted a felony car stop on a stolen vehicle that was occupied by a male and a female. The officer handcuffed both occupants but did not pat down or search either one. Additional officers arrived and asked the officer about his search of the male occupant. The officer stated, "I haven't searched him at all yet, I just detained him." The male occupant had a gun in the front of his pants that was located by the assisting officer. The officer told his commander by phone that he did not search the occupant, but in a written report of the incident, the officer stated that he completed a preliminary pat down for weapons and did not locate any. In an internal agency interview, the officer claimed he "swept" down the male and did not find any weapons and that he performed a pat down on the female prior to placing her in the patrol vehicle. Upon further questioning about the stop, the officer admitted he did not pat down or "sweep" the male occupant as indicated in his report and earlier in the same interview. Video evidence showed that the officer did not pat down the female occupant either. The officer admitted that his report was misleading.

The officer's certification was revoked by Consent Agreement and Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.**

An individual was arrested and his backpack was placed in the trunk of a patrol vehicle. An officer was later assigned that patrol vehicle and noticed the backpack but took no action in response. A few days later, the backpack was located by a different individual and reported to a supervisor. As the previous driver of the patrol vehicle, the officer was directed to secure the backpack in a property locker until its owner could be identified. Months after the backpack was seized, a property clerk told the officer to either find the owner of the backpack or remove it from the property locker if it wasn't going to be placed in the property room. The officer removed the backpack from the locker and placed it in his personal vehicle. Days later, the supervisor asked the officer about the backpack and the officer responded that he had taken care of it. The officer found some identifying information in the backpack. Not wanting his lie to the supervisor to be discovered, the officer drove to a donation bin and placed the clothing from the backpack in the bin, and the backpack and the remaining contents in a nearby dumpster. When asked about the backpack again, the officer relayed an elaborate story of meeting

the owner to return the items. Shortly after telling the lies about what happened to the backpack, the officer contacted his supervisor and admitted the truth as to what happened to the backpack.

The officer's certification was revoked by Consent Agreement and Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(27) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Theft of property lost, mislaid or delivered by mistake.**

An officer was dispatched to investigate a burglary. The officer spoke with the victim about a stolen television but never asked for its value. After the call, the officer's FTO asked about the value of the television. The officer stated that the victim didn't know. The FTO asked, "She didn't know or you didn't ask?" The officer stated that the victim believed the television cost between \$500 to \$700. When confronted with evidence that he never asked the victim about the value of the television, the officer stated that he "remembered it wrong" or "remembered it from another case." In an unrelated incident, the officer was asked about his narrative report on a DUI case. The officer claimed that he had turned in the report although he had not done so.

The officer's certification was revoked by Summary Order of Revocation for 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication.**

An officer was drinking with his girlfriend at a local establishment. The officer and the girlfriend were in a physical altercation. The officer was charged in municipal court with domestic battery and entered a diversion agreement.

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(6) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Battery.**

An officer lawfully arrested a subject and transported the individual to the jail. The officer removed the subject from the patrol vehicle and escorted him into the booking area. Without warning, the officer kicked the legs out from underneath the subject, causing him to crash down on his back and land on the floor. The subject was handcuffed at the time. The officer was charged and convicted in the United States District Court with Deprivation of Rights Under Color of Law.

The officer's certification was revoked by Consent Agreement and Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(f) **Unprofessional Conduct, using excessive physical force in carrying out a law enforcement objective.**

An officer committed to work the Friday night shift. The officer did not work the shift, but sent his supervisor a text message on Saturday morning stating it had been a "Quiet Night." The officer submitted a timesheet

showing that he worked the Friday shift. When confronted with evidence showing that he didn't work the shift, the officer admitted that he had not.

The officer's certification was revoked by Summary Order of Revocation for violations of 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(j)(1) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication, K.S.A. 74-5616(b)(5) engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a felony, i.e. Making false information.**

An officer was an occupant in a vehicle when the driver crashed into a tree. When law enforcement arrived to investigate the collision, the officer claimed he was out running and came upon the crash site. Respondent also claimed that he was not in a romantic relationship with the driver. Upon further investigation, it was found that both of those statements were false. Respondent was charged in district court with interference with law enforcement and entered a diversion agreement.

The officer's certification was revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), K.A.R. 106-2-4 **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(35) **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant, i.e. Interference with law enforcement.**

In unrelated cases, 7 officers from different agencies throughout the state failed to complete the required annual 40 hours of law enforcement in-service training. The officers were short anywhere from 0.5 hours to 23 hours at the expiration of the training year or an extension granted by the Executive Director. All 7 officers were reprimanded.

The officers' certifications were reprimanded by Summary Order of Reprimand for violations of K.S.A. 74-5616(b)(4), K.S.A. 74-5607a **every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training.**

KSCPOST Staff

Gary Steed, Executive Director

gsteed@kscpost.org

Michelle R. Meier, Legal Counsel

mmeier@kscpost.org

Matt Deffner, Central Registrar

mdeffner@kscpost.org

Eva Smith, Assistant Central Registrar

esmith@kscpost.org

Michael Oliver, Investigator

moliver@kscpost.org

Don Read, Investigator

dread@kscpost.org

George Brown, Investigator

gbrown@kscpost.org

Rose Ann Ohmart, Sr. Administrative Assistant

rohmart@kscpost.org

Address

KSCPOST

1999 N. Amidon

Suite 350

Wichita, KS 67203-2180

Phone

Office: 316-832-9906

Fax: 316-832-9679

Website

www.kscpost.org