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Gary E. Steed, Executive Director

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## Integrity Bulletin

Volume 13

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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.

Anyone reading this Integrity Bulletin will recognize that KS-CPOST 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.

KS-CPOST's mission and authority under the Kansas Law Enforcement Training Act (KLETA) is limited to the regulation and certification of individual law enforcement officers. KS-CPOST does not regulate law enforcement agencies and does not regulate or mandate agency policies. Presidential Order No. 13929, the President's Executive Order on Safe Policing for Safe Communities, has changed this mission slightly.

KS-CPOST has been designated by the Attorney General as an independent credentialing body for purposes of President Donald J. Trump's Executive Order No. 13929, the [President's Executive Order on Safe Policing for Safe Communities](#). The order requires that agencies must adhere to certain polices (related to the use of force) as a prerequisite to eligibility for DOJ discretionary grant funding. The EO's goal is to ensure that law enforcement agencies continue striving to provide transparent, safe, and accountable delivery of services to communities. The delivery will enhance community confidence in law enforcement and facilitate the identification and correction of internal issues before they result in injury to the public or to law enforcement officers.

KS-CPOST has adopted the following approach to certifying law enforcement agencies to meet the requirements of the Executive Order:

The chief, sheriff, or chief executive officer of the law enforcement agency will submit a "letter of declaration" to KS-CPOST attesting that the agency policy has been reviewed and is compliant with the two mandatory conditions of the Executive Order. This "letter of declaration" is a legally binding document.

The two mandatory conditions of the Executive Order are:

1. **Adherence to applicable laws.** The applying agency maintains use of force policies that adhere to all applicable federal, state, and local laws.
2. **Prohibition of choke holds.** The applying agency maintains use of force policies that prohibit the use of choke holds, except in situations where the use of deadly force is allowed by law.

The “letter of declaration” can be found on the KS-CPOST website. In order to apply for certification by KS-CPOST, please submit a “letter of declaration.” The “letter of declaration” must be submitted on agency letterhead and include the agency’s Originating Agency Identifier (ORI), Employee Identification Number (EIN), Data Universal Number System (DUNS) number, agency name and address, and the name and title of the agency’s chief executive. KS-CPOST will not accept a “letter of declaration” that does not adhere to the attached format. The Department of Justice will require agencies to provide a current and valid certification by January 31 in order to be eligible for federal funds in that year’s funding cycle.

Eva Smith has been assigned as the Agency Certification Coordinator. Agency Certification questions should be directed to Eva.

Mail completed Letter of Declaration to:

KS-CPOST  
 1999 N. Amidon, Ste. 350  
 Wichita, KS 67203

Or fax to: 316-832-9679

**KSCPOST Statistics**

**Central Registry:**

	FY 16	FY 17	FY18	FY19	FY20
Demographic forms processed	1106	1184	1294	1340	1155
Number of Officers Certified	534	614	484	608	600
Provisional Officers Certified	693	696	794	808	698
Status Change Forms processed	1460	1782	1631	1992	1616
Agency Information Requests Received	423	484	500	518	441
Agency Requests Filled	437	475	518	514	467
KORA Requests Received	23	26	47	51	55

**Investigations**

Investigations	110	105	163	149	196
Status Change Forms with Training Act Violations	76	78	87	111	79

Cases presented to Invest Committee                    54      84      105      164      106

**Disciplinary Actions**

CY12	CY13	CY14	CY15	CY16	CY17	CY18	CY19	CY20
29	19	50	33	47	38	71	60	26

**Case Summaries**

An officer’s last reported annual training was in June 2018. The officer did not submit any annual training after that date. A KS-CPOST investigator contacted the officer on numerous occasions regarding the delinquency, but the officer failed to submit additional training.

The officer’s certification was suspended by a Summary Order of Suspension for violation 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.**

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An officer went to his personal residence while on duty. The officer began inadvertently recording with his bodycam. On the bodycam video, the officer was observed smoking what appeared to be marijuana while in his shed. The officer then left his shed, entered his patrol vehicle, and resumed his shift. When questioned, the officer admitted that he was smoking marijuana in the video.

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), **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(18), **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., unlawful possession of controlled substances**, 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.**

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An inmate met with correctional staff after being convicted of a drug felony and ordered to serve her underlying sentence. The inmate disclosed that her boyfriend is a law enforcement officer. The staff confirmed the relationship through the inmate’s intake documents and social media accounts belonging to the inmate and the officer, then reported the information to the officer’s employing agency. The agency also received information that the officer had inappropriate contact with a female on probation. The agency opened an investigation into these relationships.

The investigation revealed that the officer met the probationer at the courthouse while he was on-duty and in his role as an officer for the court transport division. The officer approached the probationer and gave her his phone number. Subsequently, the officer texted the probationer frequently, repeatedly requested that she come to his house, went to her residence on numerous occasions where they would kiss in his car, took her to the Renaissance Festival and to lunch, gave her money, and would wait for her when she had a court date every week. During an interview with the agency, the officer was intentionally evasive, misleading, and dishonest about his contact with both females. The officer repeatedly denied allegations when asked but changed his response when confronted with evidence from the 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. 74-5606(b)(5), **Good Moral Character**, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) & (h) **Unprofessional Conduct, intentionally using a false or deceptive statement in an official document or official communication and exploiting or misusing the position as an officer to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship.**

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A female was arrested and attempted to negotiate a plea on her pending criminal charges by offering information about an officer. The arrestee stated that the officer had hired her to have sex with him regularly for about two years. On one occasion, the arrestee brought another female to the officer's home and he paid to engage in sexual intercourse with both females. The officer admitted to these allegations.

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), **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(57), **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., buying sexual relations.**

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An officer was dispatched to a property dispute. The homeowner yelled out that two individuals were trespassing on her property. The officer stated that he would speak with her in a second. The homeowner again yelled from her porch that it is her property, her house, and that the two individuals were trespassing. This seemed to anger the officer, who began yelling and quickly approached the residence. The officer repeatedly demanded that the homeowner, "come here." The officer also demanded to see her identification. Once he arrived on the porch, the officer grabbed the screen door, which the homeowner was holding slightly ajar as she stood inside her residence. The officer grabbed the homeowner's wrist and used both hands to attempt to pull her out of her residence. At the time, the officer had neither reasonable suspicion nor probable cause to detain the homeowner. The officer continued to detain the homeowner and demand her identification. The homeowner stated that her identification was in her car. The officer physically struggled with the homeowner and informed her that she was under arrest. The officer did not have probable cause to arrest the homeowner at that time. The officer continued to yell and point at the homeowner while he had her physically restrained. The officer's use of force on the homeowner was excessive and greater than what a reasonable and prudent officer would use under the circumstances.

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), **Good Moral Character**, 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.**

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An officer conducted a traffic stop which resulted in a drug arrest. During the traffic stop, the officer seized \$320 and two small baggies that he suspected contained cocaine. The officer later received a destruction order for the evidence in the case. He destroyed the cocaine but kept the money. The agency investigated the missing cash. The officer said that he burned the money with the cocaine because it was all in the same envelope. Another law enforcement agency began an independent investigation. When questioned by the independent agency, the officer initially maintained that he incinerated the cash with the drugs. However, at a second interview, the officer admitted that he had not destroyed the money and decided to tell the truth once faced with the possibility of submitting to a polygraph examination. The officer was charged and found guilty of one count of interference with law enforcement and one count of theft.

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), **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(26) & (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., theft and interference with law enforcement.**

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In unrelated cases, two officers from separate agencies were convicted of domestic battery. A conviction for domestic battery is a disqualifier for law enforcement certification and therefore always constitutes grounds for decertification. A domestic battery conviction, for purposes of law enforcement certification, includes a diversion, deferred judgment, or expungement.

The officers' certifications were revoked by Summary Order of Revocation for violations of K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**, 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.**

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In 2012, an officer died of cancer. His fellow officers organized a poker run in his honor and the proceeds were donated to local charities. In 2014, an officer approached the family of the deceased officer and proposed a second poker run to raise more money in the deceased's memory. The officer attended several planning meetings with the family of the deceased officer. The poker run, a dinner, and an auction were held in the Summer of 2014. The officer obtained a Square reader and linked it to his personal savings account so that he could accept credit and debit card payments for the poker run and auction. The officer made three deposits, totaling \$1,679.82, into his account using the Square reader. The officer stated that the event raised approximately \$3,200 after expenses were deducted. However, none of the charities or individuals that were designated to receive proceeds from the event ever received any money.

In July 2015, the officer reported that he had been the victim of a residential burglary. When making his report, the officer claimed that a similar incident occurred a few months prior, but that the officer did not report the incident. The officer reported that the \$3,200 cash proceeds from the poker run were stolen from his bedroom during the previous unreported burglary. An investigation revealed that the poker run proceeds that were deposited into the officer's personal savings account were slowly transferred to his personal checking account and used for personal expenses. The officer was charged and convicted of three counts of misdemeanor theft in 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. 74-5606(b)(5), **Good Moral Character**, 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.**

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An officer's wife received a phone call from her 8-year-old child. The child was hysterical and said that his father, the officer, was hitting him and using pressure points on him. The child had locked himself in the bathroom. While on the phone with her child, the wife could hear the officer yelling in the background. The wife was able to speak with the officer and told him she was coming to pick up the child and was bringing the officer's father. The officer stated that if anyone came on the property, he would shoot them in the face. Upon their arrival, the officer's wife and father found him passed out. A SANE examination of the child revealed bruised, swelling, and redness from the incident with the officer. The officer was charged and convicted with one count of battery in 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. 74-5606(b)(5), **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.**

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An officer was involved in an affair with another employee. The employee's husband learned of the affair and contacted the officer. The officer wrote a memo to his supervisors to disclose the affair, as required by policy. In the memo, the officer stated that he did not engage in sexual contact with the employee while he was on-duty. The officer also stated there was only one instance when he met the employee while wearing his uniform. The agency opened an investigation regarding the relationship and interviewed the officer. At the beginning of the interview, the officer continued to maintain that no sexual acts occurred with the employee while he was on-duty. However, once confronted with evidence from the investigation, the officer admitted that he engaged in multiple sexual encounters with the employee while he was on-duty and in uniform.

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), **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.**

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An agency received information that an officer was using his personal farm equipment to harvest state land. Harvest of the land in question was contracted through the bid process. The officer denied owning farm equipment or using any personal equipment to harvest the land. The officer stated that he had helped the harvesters who won the bid on his personal time and seldom received payment for doing so. The officer was questioned about the situation a second time about two weeks later, after the agency received additional information of the officer's involvement in the harvest process. The officer repeatedly denied owning a truck or combine before admitting to owning both a wheat truck and combine. The officer maintained that he had not used his personal equipment to harvest the land. The agency began to investigate the bid solicitations for the harvest of the land. The individual who won the bid confirmed that the officer owned the harvesting equipment and completed the bid work on the land. After learning that this individual had been contacted by the agency, the officer admitted that he gave false information to the agency when questioned on two prior dates. However, the officer continued to deny that he had used his personal equipment to harvest the land. The officer was also questioned about his involvement in preparing the bid packets. The officer initially denied having anything to do with their preparation, but later admitted to helping the bidders complete the paperwork. After repeatedly lying about his involvement with the bid packets, the officer ultimately admitted to filling out two bid packets and completing harvest on the land with his personal equipment.

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), **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(45), **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., official misconduct**, 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.**

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In 2017, an officer was dispatched regarding an allegation of fraud. During the investigation, the complaining party stated that her boyfriend had child pornography on his cell phone. The reporting party stated that she had exchanged text messages with her boyfriend regarding the pornography on her old cell phone and offered the phone to the officer as evidence. The officer initially indicated that he was going to seize the cell phone but then decided against it. The officer neither created a report for the child pornography case nor reported that information.

In 2019, the officer was socializing with another officer and his wife while they were off duty. The officer raised the back of the other officer's wife's shirt and grabbed her buttocks. The officer claimed he had mistaken her for his own wife. Several weeks later, the officer and several other officers and their spouses went on vacation together out of state. During the drive, the officer reached over the seat, and touched the female in the front seat on the top of her breast. While stopped at a gas station, the officer placed his hand on a different female's waist in a sexual manner and wrapped his fingers around her waist. At the cabin, the officer touched this female's collarbone and told her that she looked good. Later, the officer sat down next to this female and ran his hand down her back and touched her buttocks. This contact made the female extremely uncomfortable. A third female spilled a Jell-O shot that she was retrieving from the fridge down her shirt. The officer reached down the female's shirt, touching her breasts, and making her uncomfortable.

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), **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(12), **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., sexual battery**,

K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(i) **Unprofessional Conduct, failing to report a reasonable suspicion that a child has been harmed.**

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An officer was on duty and entered a female coworker's office. The officer approached his coworker as she sat at her desk. Without permission, the officer placed his open hand over the female's mouth and used his other hand to push her back in her desk chair. The officer then kissed the back of his own hand as it was placed over his coworker's mouth. The officer was criminally charged in district court and entered a diversion agreement on one count of battery.

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. 74-5606(b)(5), **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.**

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An officer engaged in lewd fondling or touching of three separate persons who were children more than 14 years of age but less than 16 years of age at the time of the offense. The officer was charged and convicted of three counts of aggravated indecent liberties with a child, a felony.

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), **Good Moral Character**, and K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3), **felony conviction.**

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An officer was convicted of aggravated battery in 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), **Good Moral Character**, and K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3), **felony conviction.**

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An officer was in a physical disturbance with her ex-boyfriend's new girlfriend, who was also her former friend. A witness to the disturbance told responding officers that the officer was suicidal. Based on this incident, an interview with KS-CPOST was necessary to determine the officer's continued suitability for law enforcement certification. The officer failed to submit to an interview and therefore failed to cooperate with the investigation.

The officer's certification was revoked by Summary Order of Revocation for violation of 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.**

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An officer medically resigned from an agency due to PTSD.

The officer's certification was suspended by Consent Agreement and Order of Suspension under 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.**

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An officer separated from law enforcement employment and began receiving a medical retirement. There were concerns related to the officer's fitness for duty, both physically and mentally. KS-CPOST requested that the individual submit to a Fitness for Duty Evaluation. The individual declined.

The officer's certification was suspended by Consent Agreement and Order of Suspension under 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.**

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In unrelated cases, three separate officers previously had their law enforcement certifications suspended due to a mental condition which adversely affected their ability to perform the essential functions of a law enforcement officer

with reasonable skill, safety, and judgment. The officers met the conditions of the suspension, which included psychological testing by a licensed psychologist approved by KS-CPOST. After being found fit for duty by an approved psychologist, the suspensions were lifted on the officers' certifications.

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A law enforcement agency hired an individual who held a law enforcement certification in Missouri. The individual was issued a provisional certification and enrolled in Reciprocity School at KLETC. During this process, it was discovered that the individual's certification in Missouri was on probation. The individual was dishonest with the KS-CPOST investigator during an interview regarding the circumstances of the Missouri probation. The individual was allowed to complete Reciprocity School but was then denied a full-time law enforcement certification in Kansas.

After a hearing before the KSCPOST Hearing Panel, the individual's certification was denied by a Final Order Denying License 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)(3), **providing false information in a commission investigation to determine a person's continued suitability for law enforcement certification**, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(b) **Unprofessional Conduct, having had disciplinary action taken against the licensee by another jurisdiction**.

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An individual separated from law enforcement employment in 2018 but failed to return his wallet badge to the agency at that time. The individual became employed in a non-law enforcement related field. The individual flashed his wallet badge to coworkers and bragged that he had gotten out of a speeding ticket by showing the badge when he was pulled over. In 2019, the individual was pulled over for a traffic violation. The individual flashed the officer his wallet badge and stated that he and his passenger were "LEOs." The individual messaged the chief at his previous agency and claimed that he found the badge in his vehicle the same day of the traffic stop. The individual was charged and convicted in municipal court with one count of interference with law enforcement and one count of criminal deprivation of property. The individual did not attend the KS-CPOST interview and therefore failed to cooperate with the investigation regarding his law enforcement certification.

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), **Good Moral Character**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a)(28) & (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., criminal deprivation of property and interference with law enforcement**, 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**.

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A former officer's law enforcement certification was suspended in 2017 after the individual was found by a psychologist to be unfit for duty. The individual was subsequently accused of fondling or touching a child under 14 years of age at the time of the offense. The individual was convicted of two counts of aggravated indecent liberties with a child, a felony.

The individual'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), **Good Moral Character**, and K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3), **felony conviction**.

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An individual who was no longer employed as a law enforcement officer but held an inactive law enforcement certification, was convicted of aggravated sexual battery and aggravated domestic battery, which are felonies.

The individual'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), **Good Moral Character**, and K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3), **felony conviction**.

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