

Integrity Bulletin

Volume 4

July 2015

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.

KS-CPOST Commissioners believe both basic and annual in-service training are fundamental to the professionalism of Kansas law enforcement. In 2012 KS-CPOST Commissioners directed staff to emphasize compliance with the training act regarding annual in-service training. Prior to 2012 there was little review of in-service training submissions and few investigations of delinquencies. KS-CPOST staff took the following steps to increase compliance:

Re-instituted delinquency reports. Delinquency reports are sent to each agency toward the end of the training year listing the in-service training recorded for the officers of that agency. It is intended as a reminder and a review for both agencies and officers.

Simplified the process and the form used for requesting modifications, waivers, and extensions.

Extended the available time period for agencies and officers to check reported training hours on-line.

Encouraged agencies to enter their own training hours on-line, freeing up time for KSCPOST staff. Additional classes were conducted to train officers in on-line entry.

An assistant to the central registrar has allowed more frequent and detailed review of training submissions.

KSCPOST staff became proactive in identifying potential delinquencies. Investigators are now assigned to investigate and document all cases of potential noncompliance. These investigations generally result in voluntary compliance but sometimes result in disciplinary actions as determined by the Investigative Committee.

Serial annual requests for extensions (kiting) was addressed via investigations.

Agencies are encouraged to meet the training requirement and to delay submitting modification, waivers, and extension requests until after the end of the training year.

Officers and agencies should be aware of how extensions, waivers, and modifications are applied and how changes affect their personal situation:

Extensions are considered an extension of the training year. Extensions are no longer granted from the date they are received or approved. Extensions are now only granted from July 1st (the end of the training year). For example, an officer with a four-hour delinquency will only be extended until August 30 regardless of the date the extension was received. A complete chart of extension periods is included in the in-service guidelines document on the KSCPOST website.

Extensions almost always require officers to complete the delinquent training hours in addition to fulfilling the current training year requirements.

Agencies have 30 days to request extensions, modifications, and/or waivers, or until August 1st of each training year.

In-service training submissions are now more thoroughly reviewed.

In-service training should be reported based on "seat time."

Extensive introductory remarks and orientation are not generally counted as training.

Attendance at meetings is not considered training.

The use of modifications, waivers, and extensions are useful tools for officers to keep their training records in compliance.

Additional information can be found in the training guidelines posted on the KS-CPOST website at KSCPOST.org. Central Registry staff are also available to answer questions regarding the reporting of annual in-service training.

Case Summaries

An officer responsible for doing quality checks on the intoxilyzer for his agency falsified 24 separate quality check entries, signed documents and sent them into the Kansas Department of Health and Environment (KDHE). The 52 quality checks had never been completed. A hearing was held before the Commission's Hearing Committee and the officer's certification was revoked for violations of K.S.A. 74-5605(a)(6) Good Moral Character [prior to July 1, 2012], K.S.A. 74-5605(b)(5) Good Moral Character, K.A.R. 106-2-4 [after July 1, 2012], K.S.A. 74-5616(b)(1), K.S.A.

74-5616(b)(5) Making a False Information (Felony), K.S.A. 74-5616(b)(7), and K.A.R. 106-2-3(j)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in any official document or communication.

An officer was convicted of misdemeanor battery after he battered a person in his custody. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(5), engaging 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 officer, i.e. K.A.R. 106-2-2a(a)(6) Battery. 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.

An officer was convicted of an out of state felony, Feloniously Pointing Firearm. 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 assigned as the on-call officer for his department responded to the scene of a domestic disturbance with shots fired reported while intoxicated. As the officer approached the scene, he was confronted by the suspect who was pointing a gun at him. The officer and the suspect fired simultaneously with the officer's round missing the suspect and the suspect's round striking the tire of a patrol vehicle. Another officer fired a single rifle round striking the suspect in the abdomen. The suspect later died at the hospital. The officer voluntarily submitted to a blood draw with a resulting blood alcohol level of 0.09. The officer entered into a Consent Agreement and Order of Revocation for violations of 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 was convicted of misdemeanor harassment by telecommunication device and promoting obscenity to minors after he was found to have exchanged sexually inappropriate texts with a seventeen (17) year old girl. Later the officer (while on duty, in uniform, and in his patrol vehicle) sent an inappropriate snap chat photo to a sixteen (16) year old girl. The officer failed to appear for an interview during the resulting KSCPOST investigation. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5605(a)(6) Good Moral Character [prior to July 1, 2012], K.S.A. 74-5605(b)(5), K.A.R. 106-2-4 Good Moral Character [after July 1, 2012], K.S.A. 74-5616(b)(1), 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 a 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 entered into a diversion agreement for one (1) felony count of Abuse of a Child after he bit his daughter on the left forearm. 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). It should be noted that K.S.A. 74-5605(d) states "as used in this section, "conviction" includes ... any diversion agreement entered into on or after July 1, 1995, for a felony."

An officer was convicted of one (1) felony count of Unlawful Use of a Communication Facility, misdemeanor Endangering a Child, and misdemeanor theft. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5605(b)(3), K.S.A. 74-5616(b)(1), K.S.A. 74-5616(b)(5), engaging 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 officer, i.e. K.A.R. 106-2-2a(a)(14) Endangering a Child and K.A.R. 106-2-2a(a)(26) Theft. 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.

An officer was delinquent twenty (20) hours annual in-service training TY 2014. An initial extension request was returned to him requesting further information. No additional information or extension request was provided to KSCPOST. The ninety (90) guideline period for which the officer would have been eligible had he timely returned his extension passed without KSCPOST receiving any additional training. A Summary Order of Reprimand was issued as a result of violations of K.S.A. 74-5616(b)(1) and K.S.A. 74-5607a(b) "every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training."

An officer entered into a diversion agreement for one (1) felony count of Aggravated Assault and one (1) felony count of Criminal Threat. 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). It should be noted that K.S.A. 74-5605(d) states "as used in this section, "conviction" includes ... any diversion agreement entered into on or after July 1, 1995, for a felony."

An officer lied to his department during an internal affairs investigation. The officer failed to appear for an interview during the resulting KSCPOST investigation. His 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)(1) Unprofessional Conduct, intentionally using a false or deceptive statement in any official

document or communication, 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 was convicted of one (1) felony count of Aggravated Battery, one (1) felony count of Aggravated Burglary, and one (1) misdemeanor count of Domestic Battery. 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 was convicted of nineteen (19) felony counts of Sexual Exploitation of a Child. 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 was convicted of one (1) felony count of Aid and Abet the Unlawful Possession of a Firearm. 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 was convicted of one (1) out of state misdemeanor count of Assault in the Third Degree (Domestic Violence). 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).

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