



**BEFORE THE KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING**

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In the Matter of)

ERIC SMITH)
#29166)

Case No. 2019-0163

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Commission action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of ERIC SMITH (Respondent).

STATEMENT OF FACTS

1. Respondent holds a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 29166.
2. Respondent was employed as a full-time law enforcement officer with the St. John Police Department (SJPD) from October 11, 2018 to December 20, 2018.
3. Respondent did not return his wallet badge to the SJPD when he separated from employment with them.

4. Respondent was subsequently employed at a non-law enforcement agency. During March and April 2019, Respondent flashed his SJPD badge to coworkers and bragged that he had gotten out of a speeding ticket by showing the officer his badge. Respondent stated that former SJPD Chief Cude allowed him to keep the badge.
5. On April 24, 2019, Respondent was stopped by a Goddard police officer. During the stop, Respondent showed the Goddard officer his SJPD badge and stated that he and his passenger were "LEOs," which is an acronym for law enforcement officers. During a subsequent investigation, Respondent's passenger, who is a Kansas certified law enforcement officer, confirmed that Respondent told the Goddard officer that the two were "LEOs" and that Respondent flashed a badge that was in his wallet. During a follow-up call, Respondent told the Goddard officer that the badge he presented during the traffic stop was a retirement badge and that he is on medical retirement. Respondent admitted that he was no longer a law enforcement officer and claimed that former SJPD Chief Cude told him that he could keep the badge. Respondent was subsequently charged in Goddard Municipal Court with Impersonation of a Public Officer. The case was disposed of by a plea agreement to the underlying traffic charge.
6. On May 6, 2019, Respondent sent SJPD Chief Adams a Facebook message stating that he found the SJPD badge in his vehicle on the same day he showed it to the Goddard officer.
7. Based on Respondent's actions as enumerated above, he was criminally charged in the Municipal Court of the City of St. John, Kansas, Case Number 2019-CR-051. On January 22, 2020, Respondent entered a no contest plea and was found guilty of one count of Criminal Deprivation of Property, contrary to Section 6.5 of Ordinance 1057-18, and one count of Interference with Law Enforcement, contrary to Section 7.2 of Ordinance 1066-19.
8. Based on the information above, a Commission interview with Respondent was necessary to determine his continued suitability for law enforcement certification. Commission Investigator Don Read mailed Respondent a notice of a scheduled interview. Respondent

emailed Investigator Read indicating that he would like to surrender his certification due to not being medically able to return to law enforcement and that he would not attend the interview. Investigator Read was unable to complete the necessary interview with Respondent.

CONCLUSIONS OF LAW

Criminal Conduct

9. Pursuant to K.S.A. 74-5616(b)(5), the Commission may revoke the certification of any police or law enforcement officer who engages in conduct which, if charged as a crime, would constitute a felony crime under the laws of this state, a misdemeanor crime of domestic violence as defined in the Kansas Law Enforcement Training Act at the time the conduct occurred, or a misdemeanor crime that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the Commission.
10. The applicable elements of the charged St. John Municipal Ordinances are the same as the elements of criminal deprivation of property, pursuant to K.S.A. 21-5803, and interference with law enforcement, pursuant to K.S.A. 21-5904.
11. K.A.R. 106-2-2a(a)(28) states that, pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto.
12. K.A.R. 106-2-2a(a)(35) states that, pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute interference with law enforcement, as defined in K.S.A. 21-5904, and amendments thereto.

13. Respondent's conduct constitutes a misdemeanor crime that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the Commission. Respondent's conduct constitutes criminal deprivation of property and interference with law enforcement.

Failure to Cooperate in Commission Investigation

14. Pursuant to K.S.A. 74-5616(b)(3), the Commission may revoke the certification of a police or law enforcement officer who provides false information or otherwise fails to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.
15. Respondent failed to cooperate in a Commission investigation to determine his continued suitability for law enforcement certification.

Good Moral Character

16. Pursuant to K.S.A. 74-5616(b)(1) the Commission may revoke the certification of a police or law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto.
17. K.S.A. 74-5605(b)(5) states that each applicant for certification shall be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.
18. K.A.R. 106-2-4(a) defines good moral character as including the personal traits or qualities of integrity, honesty, upholding the laws of the state and nation, conduct that warrants the public trust, and upholding the oath required for certification as specified in K.A.R. 106-3-6.
19. Respondent's conduct shows that he lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

20. Under K.S.A. 77-537, the Commission may conduct these summary proceedings, subject to Respondent's request for a hearing. The Commission finds that the use of summary proceedings in these circumstances does not violate any provisions of law and the protection of the public interest does not require the Commission to give notice and opportunity to participate to any person other than Respondent.

ORDER

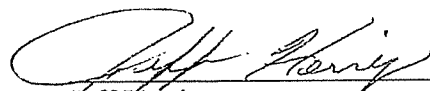
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of ERIC SMITH be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF ERIC SMITH IS HEREBY REVOKED.

FURTHER, Respondent is ordered to surrender and return to the Commission all evidence of his certification as a law enforcement officer.

DATED this 21 day of April, 2020.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

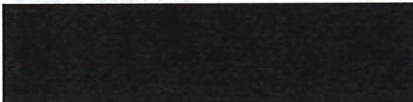
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must be filed within fifteen (15) days from the date indicated in the Certificate of Service below. If a written request for hearing is not so made, this Summary Order becomes final and effective upon the expiration of the time for requesting a hearing.

CERTIFICATE OF SERVICE

This is to certify that on the 24th day of April, 2020, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

ERIC SMITH



A handwritten signature in blue ink that reads "Rose Ann Ohmart".

Rose Ann Ohmart
Senior Administrative Assistant
Kansas Commission on Peace Officers'
Standards and Training