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Integrity Bulletin

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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 (K.S.A. 74-5601 et seq.) and Kansas Administrative Regulations that regulate officer certifications. Both are available on our website.

This issue, volume 18, marks the 10th year of the Integrity Bulletin. The intent of the bulletin remains the same as when it started. First and foremost, we desire to be transparent and accountable to our communities and stakeholders. Secondly, if we don't learn from the mistakes of others, we are doomed to repeat them. It is doubtful that any officer referenced in the case summaries ever thought they would be in this bulletin when they were taking their oath, yet here they are.

As always, if there is anything the POST can assist you with, please don't hesitate to contact us.

Case Summaries

Certification actions that became final between March 1 and August 1, 2023

While camping with family, an intoxicated former officer found that his campfire strategy clashed with that of his fellow camper. According to witnesses, the former officer shoved the other camper, whose family members quickly rushed to her aid and engaged the former officer physically. The former officer attempted to leave in someone else's truck, initiating a second physical encounter in which he hit his mother-in-law. The former officer was criminally charged with two counts of battery and one count of disorderly conduct. He entered a diversion agreement in the criminal case. Although the individual was not working as a law enforcement officer at the time of the incident, he continued to hold a law enforcement certification.

After a hearing, the individual's law enforcement certification was revoked for violations of K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a), **engaged in conduct which, whether or not charged as a crime or resulting in a conviction, would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., disorderly conduct**, K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**.

An officer clocked in using his cell phone at the beginning of his shift but did not show up for work until almost three hours later. The officer did not attend his CPOST interview, despite signing for the notice. The officer had previously been

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investigated by CPOST surrounding issues of timesheet fraud and missing property with other law enforcement agencies, but no certification action was ultimately taken in those cases.

The officer's certification was revoked 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 crime under the laws of this state, i.e., making false information**, K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**, 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**.

Across from his home, a father discovered his teenage daughter sitting next to an officer in his personal vehicle while the officer was off duty. The father discovered that the officer had been taking his daughter out to meals and had checked her out of school. The officer met the girl while he was working in his law enforcement uniform part-time as a security guard. On one occasion, the officer was contacted by the girl after midnight. The officer picked her up, bought her pizza, and spent several hours with her before taking her home. The officer communicated with the girl by phone, text, and Snapchat nearly every day in the three-week period prior to being discovered by the girl's father. Although both the officer and the girl claimed their relationship was not romantic, the officer admitted to several hugs and at least one kiss. During his relationship with the girl, the officer accessed his employing agency's records management system and reviewed criminal records pertaining to the girl, her boyfriend, and her father. The officer discussed some of the information he discovered with the girl, including an allegation that she was sexually assaulted and information about her boyfriend. The officer was criminally charged with violations of restrictions on dissemination of criminal history record information and official misconduct. The officer entered a diversion agreement in which he did not admit guilt to the charged conduct.

After a hearing, the officer's certification was revoked for violations of K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a), **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 and violating restrictions on dissemination of criminal history record information**, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(d)&(g), **Unprofessional Conduct – disclosing confidential information without a legitimate law enforcement purpose and exploiting the position as an officer to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship**, and K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**.

While intoxicated and on a car ride with his family, an off-duty officer grabbed his fiancé's cell phone and threw it on the floorboard. The fiancé pulled over and the two exited the vehicle. The officer shoved his fiancé into the car, grabbed her by the hair, threw her to the ground, and held her arms down while screaming at her. The officer was criminally charged and entered into a diversion agreement on one count of domestic battery.

A domestic battery conviction, for purposes of law enforcement certification, includes a diversion, deferred judgment, or expungement.

The officer's certification was revoked for violation 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**.

An officer, who was a supervisor, was dispatched to an injury collision where both drivers were injured and transported to the hospital. EMS told the officer that the female driver was triaged as a "pretty solid code yellow." Seven minutes later, EMS changed her triage to code red. The officer was not specifically told of the code change at the time, but the CAD notes were updated. A rookie asked the officer if scene measurements needed to be taken. The officer said no and called for tow trucks. As one of the vehicles was being removed, the officer was informed that the female had been transported code red. The officer laughed and said, "EMS told me yellow. I'm going with what EMS told me." The scene was cleared and the officer returned to the station. The officer called his captain to inform him of the code red, claiming that he did not know about the triage code change until after he cleared the scene. Thirty minutes later, the officer was notified that the female driver had died. The officer told multiple coworkers and documented in his report that he did not know about

the triage change until he was back at the station. The officer admitted in his CPOST interview that he was informed of the triage change on scene before it was cleared.

The officer's certification was revoked for violation 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 an official document or official communication.**

An agency was investigating a homicide cold case and discovered that they were missing evidence. An officer had previously taken the missing evidence to his private storage unit. Once the location of the evidence was questioned, the officer retrieved it and turned it over to the detective working the case. While looking for the missing homicide evidence, the agency discovered that the officer had stored other evidence in temporary lockers for years without entering it or cataloging it. The officer responded by throwing the contents of one of the lockers, including computers, phones, and drug paraphernalia, in the trash. Once questioned on the whereabouts of the locker contents, the officer retrieved the items and entered them in evidence. The officer did not attend his CPOST interview and therefore did not cooperate in the investigation.

The officer's certification was revoked for violations of K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a), **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)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**, 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 found guilty on two counts of electronic solicitation of a child. His certification was revoked 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.**

An officer was investigating a call regarding a fight and approached a group of teenagers in the park. The teens denied they were involved. As the questioning continued, one of the teens told her friends they did not have to speak to the officer. As the teen and the officer debated civil rights, the officer grabbed the teen by the arms and lifted her up. The officer escorted the teen to his patrol vehicle and placed her against the back. The teen did not know if she was being detained or under arrest. After arguing with the other teenagers regarding his conduct, the officer announced that the park was closed and pushed the teen away from his vehicle. The officer was verbally aggressive when dealing with the teens, making comments such as, "Your little ass is about ready to go to jail... Who is this loudmouth? What is your problem? You think you can open your big fat mouth and start hollering things out at us?... You gonna cop a goddamn attitude with me and I'll show you what's going to happen to your little mutt. I'll deal with all you kids, I'll put an end to it." Criminal prosecution of the officer was resolved through a pre-charging diversion. The officer did not attend his CPOST interview.

The officer's certification was revoked for violations of K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a), **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)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**, 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**, 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.**

A citizen was addressing housing violations on her property. She was only allowed to be at her residence for the purpose of working on it and cleaning but was not allowed to sleep there. The citizen arrived at her residence and noticed a police vehicle parked behind her home. The citizen discovered that the police chief had kicked open the back door of her house, damaging it in the process. The chief and another officer entered the residence without a search warrant and were inside when the citizen arrived. The chief ordered the citizen to leave but when she returned later that day, she noticed that many of her items were out of place and a camera that had been mounted on the corner of the residence was laying

broken in the street. Video from a porch camera showed the second officer walking onto the porch and disappearing for a few seconds. The citizen believed that he ripped down the corner camera and broke it during this time. The officer then appeared back in view of the functional camera, removed it from where it was mounted, and set it down.

Both officers were criminally charged with criminal trespass. The chief was also charged with criminal damage to property for damaging the door. Both cases were resolved by diversion agreement. The chief did not cooperate with the CPOST interview.

The officers' certifications were revoked for violations of K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a), **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 trespass (and criminal damage to property for the chief)**, K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**. The chief was also revoked 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**.

Officers were called to respond to a citizen who had left a bar and was seen with a gun. The citizen was found in his shed and complied with orders to come out. The citizen was given conflicting commands by law enforcement. While giving commands, an officer shot the citizen in the chest with a bean bag round from his personally owned shotgun, killing him. The officer stated that he did not see the citizen with a weapon and his intent in shooting him was to gain compliance. The bean bag round used by the officer was given to him by a previous law enforcement coworker in another state to evaluate. After testing, it was found that it was not suitable to be fired at a person or be used on duty by law enforcement. The officer had not received training on bean bag munitions. The range and manner in which he shot the citizen was not consistent with training standards for their use. Additionally, in an unrelated incident, the officer pointed a shotgun at an unruly inmate and threatened to shoot him.

The officer's certification was revoked for violations of 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**, K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**.

While working in a jail as a detention deputy, a position which does not require law enforcement certification, an individual witnessed another employee commit battery on an inmate. The individual did not intervene or report the incident. The individual, still agitated from this incident, took control of another inmate who was to be strip searched. The individual became verbally aggressive and demeaning toward the inmate. The individual stood over the inmate, telling him to, "Shut the fuck up." The inmate was afraid that the individual was going to harm him. The individual was criminally charged and entered a diversion agreement on the counts of mistreatment of a confined person and assault. The individual retained his employment as a detention deputy and sought to become employed as a certified officer. His employing agency asked for a certification determination to determine if the individual's criminal case was grounds for his certification to be denied, pursuant to K.S.A. 74-5605(c).

After a hearing, the individual's certification was denied under K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a), **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., mistreatment of a confined person and assault**, K.S.A. 74-5616(b)(1), K.S.A. 74-5606(b)(5), **Good Moral Character**.

Between 2012 and 2018, an officer engaged in a pattern of contacting females in parks, representing himself as a law enforcement officer or security officer, and sexually assaulting them. He retired from law enforcement employment but was apprehended after a series of window peeping incidents. He eventually admitted that he was the park prowler and was criminally charged. The individual was convicted of two counts of rape, two counts of attempted rape, three counts of aggravated sexual battery, two counts of attempted aggravated sexual battery, one count of aggravated liberties with a child, two counts of kidnapping, and five counts of breach of privacy. He has since taken up residency in a state prison.

The individual's law enforcement certification was revoked 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**, K.S.A. 74-5616(b)(5), K.A.R. 106-2-2a(a), **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., breach of privacy.**

An officer was drinking alcohol and became upset that her domestic partner was videoing her antics. When her partner refused to stop recording, the officer got on the bed, angrily crawled over her partner, and took the phone from her. The officer was criminally charged and entered into a diversion agreement on one count of domestic battery.

The officer's certification was revoked for violation 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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