

Integrity Bulletin

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The Kansas Commission on Peace Officers' Standards and Training (KSCPOST) contributes to the competence of Kansas law enforcement by enforcing the professional standards established in KSA 74-5605 et al. A primary function of KSCPOST is to certify (license) those persons who meet and maintain the standards to be employed as a law enforcement officer. Licensing of practitioners is common in many professions. The Kansas Board of Healing Arts, The Kansas State Board of Nursing, and the Kansas Board of Cosmetology are three examples of regulatory boards similar to KSCPOST. The certification of a person to be a Kansas law enforcement officer is often confused with the commissioning of an employee as an officer by a law enforcement agency or sheriff. This Integrity Bulletin Forward is intended to help officers understand the significance and the differences between the certification and the commission.

“Active law enforcement certificate” means a certificate which attests to the qualification of a person to perform the duties of a law enforcement officer and which has not been suspended or revoked by action of the Kansas Commission on Peace Officers' Standards and Training and has not lapsed by operation of law as provided in K.S.A. 74-5622 and amendments thereto.

The above language is taken from the Kansas Law Enforcement Training Act. The certification of individuals who meet and continue to meet standards is what allows an individual to work as a law enforcement officer. Once an officer is certified, he may then be hired and commissioned by an agency.

An agency may terminate an officer for any variety of reasons. Often an officer is terminated for reasons that may affect their employment but not their certification or qualifications to be a law enforcement officer. Examples are termination for insubordination, tardiness, poor performance, or violations of departmental policy. The agency will report the termination to KSCPOST but no certification action will be taken because there is no violation of the qualification standards as delineated in the Law Enforcement Training Act or administrative regulations.

KSCPOST only conducts investigations and potentially takes action when a certificate holder fails to meet requirements set out in K.S.A. 74-5605, 74-5607a, 74-5616, and Kansas Administrative Regulations, K.A.R. 106-2-1 thru 106-3-6. Readers of this bulletin will find that each case summary contains language citing the specific section of the training act used by the Commission to impose disciplinary action. The statutes and KARs can easily be found on the KSCPOST website at KSCPOST.org.

Pursuant to K.S.A. 74-5616(c), the procedure to be used for KSCPOST certification actions shall be in accordance with the Kansas Administrative Procedures Act (KAPA), K.S.A. 77-501 et seq. The Commission has delegated its statutory quasi-judicial authority to two committees, each made up of three KSCPOST commission members. The Investigative Committee is charged with reviewing the facts of investigations that, on their face, have the potential to constitute a violation of the Kansas Law Enforcement Training Act, K.S.A. 74-5601 et seq. and related Kansas Administrative Regulations. The Investigative Committee may request further investigation, issue a Summary Order, refer the case to the Hearing Committee, or close the case with no further action. The KSCPOST Hearing Committee is charged with hearing the evidence of a particular case and making a determination based upon the law. The Hearing Committee is represented by an Assistant Attorney General. While a KSCPOST hearing is generally open to the public, the deliberations of the Investigative Committee and the Hearing Committee are not. These quasi-judicial deliberations are not considered an open meeting by statute but rather an exercise of the Commission's statutory authority under KAPA. If the Commission takes action against an officer's certification, the officer may exercise due process and appeal to District Court.

Please note that cases are always fact specific. Because each case is considered on its own facts, not all cases will end with the same result. The summaries should be accepted as guides rather than precedent. Individual names and agencies are intentionally excluded from the summaries. The summaries are intended to focus on the misconduct in each case. It is hoped that this information will deter officer misconduct, promote compliance, and increase the professionalism of Kansas law enforcement.

Case Summaries

An officer emailed a pornographic image of a child under the age of eighteen to a secretary in his agency and then attempted to destroy the evidence. He pleaded guilty to a felony count of Sexual Exploitation of a Child. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

An officer was convicted of one count of Aggravated Indecent Liberties with of a Child. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

An officer was found to have converted funds to his personal use from an employee fund account which he was the custodian. He entered into a diversion agreement for felony Theft. His certification was revoked by Summary Order as a result of a felony diversion under K.S.A. 74-5616(b)(1), 74-5605(b)(3), and K.S.A. 74-5605(d).

An officer, in a position to handle funds and make purchases for his employing agency, was found to have used city funds to buy personal items. He pleaded guilty to four felonies: Perjury, Official Misconduct, Misuse of Public Funds, and Theft. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

An officer was convicted of one count of Driving under the Influence and one count of Aggravated Battery. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

A department received a tip that there was a Facebook posting from a local woman stating that she was having sex with an officer while he was on duty. The officer was told of the posting, not to contact the woman, and that there would be an internal investigation. The officer denied the allegations, then contacted the woman and told her not to talk to the department investigators. The officer entered into a Consent Agreement and Order of Revocation for violations of K.S.A. 74-5616(b)(7) and K.A.R. 106-2-3(j)(1) Unprofessional Conduct.

An officer converted seized asset funds that were turned over to him as evidence for personal use. No criminal charges were filed. His certification was revoked by Summary Order as a result of a violation 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), 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.S.A. 74-5616(b)(7), K.A.R. 106-2-2a(a)(26) Theft and K.A.R. 106-2-2a(a)(45) Official Misconduct.

An officer reported for duty while under the influence of alcohol. The officer had been counselled a month earlier for the same conduct. The officer was not truthful during the department's internal investigation. His certification was revoked by Summary Order as a result of a violation 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) and (j)(3) Unprofessional Conduct.

An officer consumed a marijuana laced brownie that he had taken into custody as evidence. The officer asked an intern to lie if asked about the incident. His certification was revoked by Summary Order as a result of a violation 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) 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)(26) Theft and (a)(45) Official Misconduct, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(j)(1) and (j)(3) Unprofessional Conduct.

An officer issued a valid citation following a traffic stop. On the same date, the officer drove to the traffic offender's residence and took back the citation after the traffic offender had contacted the officer's wife about an affair he was having. His certification was revoked by Summary Order as a result of a violation of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4(a) Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(e) Unprofessional Conduct.

An officer responded to a residence reference a suspicious character call. Following the official law enforcement contact the officer attempted to establish a social, sexual, romantic, physical, intimate, or emotional relationship with the caller. His certification was revoked by Summary Order as a result of a violation of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4(a) Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(h) Unprofessional Conduct.

An officer was convicted of two counts of Aggravated Battery. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

An officer failed to obtain her forty hours of annual in-service training for TY 2014. The officer failed to submit a timely extension request. A Summary Order of Reprimand was issued as a result of a violation of K.S.A. 74-5607a(b). The officer is to complete the delinquent training hours within two months of the effective date of the order.

An officer began calling and sending inappropriate texts to a woman he had met and obtained information from in the course of his official duties. He had the woman meet him in his patrol vehicle and engaged in inappropriate touching. His certification was revoked by Summary Order as a result of a violation of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4(a) Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(h) Unprofessional Conduct.

An officer gave his business card with his personal cell phone number, work schedule, and a request to call him to a woman he had contact with during a late night traffic stop. An internal investigation showed a pattern of the officer gathering personal information from women he met while on duty, asking them to contact him or contacting them and later having or attempting to have sexual relations with them. The officer was diagnosed with Post Traumatic Stress Disorder (PTSD), a mental condition which was determined to clearly affect his ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment. His certification was revoked by Summary Order as a result of a violation of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(5), K.A.R. 106-2-4(a) Good Moral Character, K.S.A. 74-5605(b)(7), K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(e) Unprofessional Conduct.

An officer was involved in an eBay transaction with persons located out of state. During the process, the officer cancelled his previously authorized payment via PayPal and filed a notice with PayPal that someone had accessed his account and made an unauthorized payment. The other party to the transaction filed a theft report with the officers' department. When initially interviewed, the officer was untruthful about how the transaction took place. He later admitted to lying in the official report. His certification was revoked by Summary Order as a result of a violation 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.

An officer was served with a temporary order issued from the District Court related to his divorce proceedings with his estranged wife. The officer went to his wife's residence in violation of the order. She called 911 as he was attempting to enter the home via a bedroom window. The officer entered into a diversion agreement for criminal trespass and violating a protective order. His certification was revoked by Summary Order as a result of a violation 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)(29) Criminal Trespass and K.A.R. 106-2-2a(a)(44) Violation of a Protective Order.

An officer reported for duty while under the influence of alcohol. When confronted by a supervisor, he was untruthful about his use of alcohol and impairment status. The officer entered into a 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) and K.A.R. 106-2-3(j)(1) and (j)(3) Unprofessional Conduct.

An officer was convicted of four counts of Sexual Exploitation of a Child. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

An officer took prescription drugs from her boyfriend's mother's home without permission. The officer later consumed the prescription drugs. The officer entered into a 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), 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)(26) Theft, and committing the felony offense of Unlawful Possession of a Controlled Substance.

An officer failed to obtain his forty hours of annual in-service training for TY 2014. The officer applied for, and was granted an extension for TY 2014. The officer failed to complete any training during the extension period. A Summary Order of Reprimand was issued as a result of a violation of K.S.A. 74-5607a(b). The officer is to complete the delinquent training hours within two months of the effective date of the order.

An officer was involved in a shooting at an office building causing damages. The officer stated that he saw someone pointing a rifle at him. The recorded video did not show anyone else present. The officer entered a plea to criminal damage to property and making a false police report. His certification was revoked by Summary Order as a result of 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), 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)(30) Criminal Damage to Property and (a)(35) Falsely Reporting a Crime.

An officer was convicted of Aggravated Indecent Liberties with a Child and Criminal Sodomy. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

An officer was convicted of Aggravated Assault. His certification was revoked by Summary Order as a result of a felony conviction under K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(3).

An officer entered into a diversion agreement for one (1) count of Domestic Battery. His certification was revoked by Summary Order as a result of a violation of K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3), and K.S.A. 74-5605(d).

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