

Integrity Bulletin

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The Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) contributes to the competence of Kansas law enforcement by enforcing the professional standards established in KSA 74-5605 et al. A primary function of KS-CPOST 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 KS-CPOST. 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 KS-CPOST 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.

KS-CPOST 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.

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 was charged with Aggravated Battery and Misdemeanor Battery. He later plead guilty to three counts of Misdemeanor Battery. 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.

An inactive officer pleaded guilty to a Misdemeanor Assault charge in Missouri. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(5) and K.S.A. 74-5605(a)(6) good moral character [prior to July 1, 2012].

An officer was charged with Aggravated Battery, Aggravated Assault, Endangering a Child, and Misdemeanor Battery. He entered into a diversion agreement for Aggravated Assault and the two misdemeanor counts. 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 exploited and misused his position to establish a relationship with a female inmate in his county's adult detention facility. When interviewed during his agency's internal investigation, he was untruthful about the relationship and his efforts to conceal it. 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) Good Moral Character, K.S.A. 74-5616(b)(7), and K.A.R. 106-2-3(h) Unprofessional Conduct.

An officer took several nude photographs of a seventeen year old female and gave her a copy of the images on a CD. She turned the CD over to law enforcement approximately eleven years later. No criminal charges were filed due to statute of limitations issues. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(a)(6) Good Moral Character [prior to July1, 2012].

An off-duty officer was involved in a non-injury traffic accident in his personal vehicle. He was cited for DUI and released. A short time later he threatened suicide at his parents' home. He was admitted to a psychiatric hospital for a 72-hour observation period. A few weeks later he made statements that he had been thinking of several different ways to harm the arresting officer in his DUI case. He was evaluated by a licensed psychologist on behalf of the KS-CPOST, and it was determined that he had a mental disorder/condition which adversely affected his ability to perform the essential functions of a law enforcement officer with reasonable skill, safety and judgment. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(7).

An officer was accused of loaning a handgun to his mentally unstable girlfriend, and later stalking her. A criminal investigation determined that the accusations were false, but it was discovered that he had given the girlfriend a large quantity of marijuana and some painkillers. No criminal charges were filed. 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 felony crime, i.e. Distribution of a Controlled Substance, K.S.A. 74-5616(b)(7), and K.A.R. 106-2-3(j)(1) Unprofessional Conduct.

An officer was convicted of three felony counts of Unlawful Sexual Relations, two felony counts of Bribery and two felony counts of Aggravated Intimidation of a Witness, after it is found that he was having sexual relations with inmates in the jail. 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 former officer plead guilty to Misdemeanor Theft and Disorderly Conduct. In addition, the officer lied and wrote false statements during the course of the criminal investigation concerning his possession and illegal storage of a handgun in the state of New York. He later admitted he lied. 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.S.A. 74-5616(b)(7), K.A.R. 106-2-2a(a)(26) Theft and K.A.R. 106-2-2a(a)(50) Disorderly Conduct, and K.A.R. 106-2-3(j)(1) Unprofessional Conduct.

An officer exploited and misused his position to establish or attempt to establish a social, sexual, romantic, physical, intimate, or emotional relationship by texting and calling an individual he had earlier arrested. He also lied during the course of the investigation. 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(a) Good Moral Character, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(h) and (j)(1) Unprofessional Conduct.

An officer falsified accident reports and later lied to investigators about alcohol testing that was ultimately not done while working his own wife's DUI case. 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(a) Good Moral Character, K.S.A. 74-5616(b)(5) engaging in conduct which, if charged as a crime, would constitute a felony, i.e. Making a False Writing, K.S.A. 74-5616(b)(7), K.A.R. 106-2-3(e) and (j)(1) Unprofessional Conduct.

An officer attempted suicide and was subsequently admitted to the hospital. He was evaluated by a licensed psychologist and it was determined that he had a mental disorder/condition which adversely affected his ability to perform the essential functions of a law enforcement officer with reasonable skill, safety and judgment. His certification was revoked by Summary Order as a result of violations of K.S.A. 74-5616(b)(1) and K.S.A. 74-5605(b)(7).

An officer falsified time records and received compensation from a part time job. 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 felony crime, i.e. Making a False Information and 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.

An off-duty officer believed his vehicle had been side-swiped and followed the suspect vehicle against the advice of the dispatcher after calling in the vehicle description and tag number. A physical confrontation between the officer and other person ensued. The officer was arrested and eventually plead to amended charges. 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)(50) Disorderly Conduct.

An officer prepared a fraudulent explanation of benefits (EOB) insurance form and provided it to his girlfriend. The document was determined to be fraudulent after the girlfriend contacted a BCBS service representative. During an investigation by the Kansas Insurance Department Anti-Fraud Division the officer lied to the investigator. 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)(7), K.A.R. 106-2-3(j)(1) Unprofessional Conduct.

An officer was randomly selected to participate in a department's drug testing program. The result of the test was positive for marijuana. The officer admitted to having used marijuana while attending a high school reunion. Her certification was revoked by Summary Order for violations of K.S.A. 74-5616(b)(7) and K.A.R. 106-2-3(j)(5) Unprofessional Conduct.

An officer solicited and accepted equipment donated by a Railway Company on behalf of his department. Several donated items were taken by the officer directly to his residence and converted to personal use. The officer entered into a Consent Agreement and Order of Revocation for violations of K.S.A. 74-5616(b)(1) [prior to July 1, 2012], K.S.A. 74-5605(b)(6) Good Moral Character [prior to July 1, 2012].

An officer submitted timesheets that didn't reflect the hours he actually worked. He was found to have routinely left work early and also claimed overtime he hadn't worked. He entered into a diversion agreement for two felony counts of Making a False Information. His certification was revoked by Summary Order as a result of a felony diversion under K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3) and K.S.A. 74-5605(d).

An officer submitted timesheets that didn't reflect the hours he actually worked and used an agency vehicle for his personal use. It was found that he routinely left work early, claimed overtime he hadn't worked and used the agency vehicle to run his personal errands when he was supposed to be on duty. He entered into a diversion agreement for two felony counts of Making a False Information and misdemeanor Official Misconduct. His certification was revoked by Summary Order as a result of a felony diversion under K.S.A. 74-5616(b)(1), K.S.A. 74-5605(b)(3) and K.S.A. 74-5605(d).

An off-duty officer was charged with Battery and was allowed to plead guilty to a reduced charge of Disorderly Conduct after an incident in which he got intoxicated while attending a Halloween haunted house and struck a 16 year old role player in the mouth without provocation. He also lied during the course of the investigation. His certification was revoked

by Summary Order as a result of a 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 and K.A.R. 106-2-2a(a)(50) Disorderly Conduct, K.S.A. 74-5616(b)(7), and K.A.R. 106-2-3(j)(1) Unprofessional Conduct.

An off-duty police officer pepper-sprayed his mother-in-law in the face. The officer claimed she had approached him in an aggressive manner and was keeping him from performing a welfare check on his son. His son was temporarily staying with her as part of a court ordered custody arrangement pending a divorce. The officer was allowed a diversion on a Misdemeanor Battery charge and pleaded No Contest to Misdemeanor Criminal Trespass. A hearing was held before the Commission's Hearing Committee and the officer's certification was revoked for 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 and K.A.R. 106-2-2a(a)(29) Criminal Trespass.

An off-duty officer was charged with Aggravated Assault after displaying a revolver during a road rage incident. He also provided false statements to the responding officers and the department during an internal investigation of the incident. He was allowed to plead guilty to misdemeanor Interference with Law Enforcement - Obstruction. A hearing was held before the Commission's Hearing Committee and the officer's certification was revoked for violations of K.S.A. 74-5616(b)(1) [prior to July 1, 2012], K.S.A. 74-5605(b)(6) Good Moral Character [prior to July 1, 2012].

An officer was charged with two felony counts of Aggravated Indecent Liberties with a Child for conduct he engaged in with a junior firefighter from his department. He plead guilty to a felony count of Attempted Aggravated Indecent Liberties with 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).

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