



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

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In the Matter of )  
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**JUSTIN COOPER** )  
 #29164 )  
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**Case No. 2017-0165**

**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 certificate of JUSTIN COOPER (Respondent).

**STATEMENT OF FACTS**

1. Respondent is a holder of a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 29164.
2. Respondent was employed as a full-time police officer with the Lawrence Police Department (LPD) from May 31, 2016 to May 3, 2017.
3. On January 27, 2017, Respondent was in a residential area looking for a suspect. While at the location, Respondent was directed by LPD Field Training Officer Nichols to return to the intersection they had been assigned to cover.
4. While leaving, Respondent backed his patrol vehicle into a parked vehicle.

5. Respondent's patrol vehicle was equipped with an in-car video camera. As Respondent backs his patrol vehicle, the vehicle comes to an abrupt stop, a "crunch" noise can be heard, and the in-car video camera shakes. The vehicle is driven forward a short distance and stopped. The sound of a car door opening, and then a few seconds later closing, can be heard. The patrol vehicle is driven away from the area.
6. Once back at his assigned intersection, Respondent tells FTO Nichols, "There's a spot on our back rear bumper. I don't think I backed into anything but there's a dent there now."
7. Respondent's shift ended at approximately 0300 hours on January 28, 2017. At 0230 hours, LPD Officer Tracy Russell arrived at the east fuel pumps used by the department to fill his vehicle prior to the conclusion of the shift. While there, Officer Russell observed Respondent standing behind his patrol vehicle by the east fill station. Respondent then kneeled by the vehicle and was trying to hit the underside of the vehicle near the driver's side bumper. Officer Russell asked Respondent what was going on. Respondent stated that he had discovered damage to the driver's side rear bumper of the patrol vehicle and was attempting to "pop out" the dent. Officer Russell noticed a dent about the size of a cantaloupe in that area. Officer Russell was later assigned to investigate the vehicle collision involving Respondent's patrol vehicle.
8. Officer Russell obtained a statement from Respondent regarding the collision. Respondent told Officer Russell that he returned to his patrol unit at approximately 1858 hours and noticed damage to the driver's side rear bumper. Respondent stated he did not know if the vehicle was struck while parked at 420 North Street or if the vehicle was struck at another unknown location.
9. On January 28, 2017, Respondent authored an "Officer's Special Report," which stated:

“On Friday, January 27, 2017, at 1700 hours, I took over driving patrol vehicle D1 and did not observe any damage on the vehicle at that time. At approximately 1935 hours, I responded to a 10-32 at 420 North Street in patrol vehicle D1. When I returned to my vehicle I observed a dent in the left corner of the rear bumper. Officer Russell worked the accident, case number L17007696.”

10. The LPD investigation concluded that as Respondent backed up his patrol vehicle, he collided with a Ford F-150 truck that was located at 420 North Street, Lot #10. The Ford truck had minor damage consistent with the damage to Respondent’s patrol vehicle. The investigation found that Respondent backed his patrol unit in an unsafe manner and then left the scene of a property damage traffic collision.
11. On February 6, 2017, Respondent was informed by LPD Sergeant David Hogue from the Professional Accountability Office that the in-car video from Respondent’s patrol vehicle did not support what he reported regarding the damage to his vehicle and the discovery of the damage. Sgt. Hogue set a meeting with Respondent for the next day, February 7<sup>th</sup>. Respondent then contacted FTO Nichols and asked for help finding the in-car video related to the accident. After hearing the “crunch” sound on the video, Respondent said, “I didn’t think I hit that truck.” Throughout the incident and investigation, FTO Nichols asked Respondent a number of times if he backed into anything, to which Respondent consistently said he did not.
12. On February 7, 2017, Sgt. Hogue interviewed Respondent about the vehicle collision. Respondent stated that as he was backing his patrol unit he got very close to another vehicle then slammed on his brakes and pulled forward to make sure he did not hit the other vehicle. Respondent stated that he found damage on his vehicle but saw that “there was absolutely no damage on the other vehicle so I didn’t think I hit it. I just thought, maybe coincidence, maybe it was there.” Respondent was asked to explain the discrepancy between what he stated occurred and what was reflected in his

Officer's Special Report. Respondent stated that he did not articulate what happened correctly in his report.

13. In April 2017, during the discovery process in an unrelated case, it was discovered that another patrol vehicle was parked near Respondent's patrol vehicle at the time of the January 27<sup>th</sup> vehicle collision, and that a video of the collision was available. This video clearly shows that there is no damage to the back of the patrol vehicle as Respondent begins backing up to leave the area. The video shows the vehicle stopping abruptly and then pulling forward. A large dent on the rear bumper is clearly visible. Respondent exits the vehicle, walks directly to the rear bumper area and appears to rub at the dent. Respondent rubs his fingers together while walking back to driver's seat. The entire length of time Respondent is out of the vehicle is approximately 10 seconds. Respondent never walks further than the rear bumper and does not appear to check the other vehicle for damage, although he looks in its direction for a few seconds. The video shows that it is dark outside at the time of the vehicle collision.

14. Respondent was interviewed by Sgt. Hogue for a second time on April 23, 2017. LPD Captain Brixius was also present. Respondent was asked for his response after watching the newly discovered video. Respondent said, "It's obvious I did hit something." Respondent was asked why he got out of the vehicle. Respondent stated, "I knew I was very close. I knew I slammed on my brakes knowing I was close. That's why I got out and checked." Respondent was asked what his thought was at that time. Respondent said, "My thought then was I possibly hit something, but there is no damage whatsoever to the other vehicle. There is no paint transfer, there's nothing. So, I was like, maybe I didn't hit it." Respondent further stated, "I got out of the vehicle because I think I possibly hit it and then when I looked over it, I didn't, like, see no, obviously I didn't look over it close enough. I didn't see any transfer. I thought well maybe I didn't hit it, and then I concluded I probably didn't hit it." Yet later in the interview, Respondent stated that he believed it was possible he hit another vehicle,

but that that information was not relevant to relay to his FTO or the investigating officer.

15. In an interview with Commission Investigator Dave Thompson, Respondent stated that the vehicle he hit was approximately six feet away from the rear bumper of his vehicle as he examined the damage.

## CONCLUSIONS OF LAW

### Unprofessional Conduct

16. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of any police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the commission.
17. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as intentionally using a false or deceptive statement in any official document or official communication.
18. The evidence clearly shows that Respondent backed into another vehicle. Respondent exited his vehicle after the collision to check for damage. Respondent immediately walks to the area of fresh damage on his vehicle and rubs at it. Respondent claims he checks the other vehicle for damage, but never gets closer than approximately six feet away and only glances in its direction for a few seconds. Respondent reports the damage to his FTO, but deceptively neglects to report that he got out of his vehicle to check for damage and that there was a specific sequence of events that led him to believe he may have caused a collision. Instead, Respondent maintains that he does not know when the damage occurred and submitted an Officer's Special Report that was dishonest. Even if the Commission were to accept Respondent's claim that he did not think he hit the other vehicle while backing up, such belief is no longer plausible when Respondent inspected the damage to his own vehicle. Respondent has placed himself in the untenable position of having to either admit to intentional false statements or to rationalize them by claiming incompetence. He has chosen the latter. However, his inconsistent statements show a lack of credibility and an intent to conceal the truth rather than incompetence. When the totality of the evidence is considered, Respondent knew he hit another vehicle and caused damage to his patrol vehicle.

Rather than admit how the accident occurred, Respondent continues to vacillate between claims that he did not hit another vehicle but merely braked hard, to that it is possible that he hit the vehicle, to it is obvious he hit the vehicle, and back to the claim that he did not believe he collided with the vehicle at the time of the collision.

Good Moral Character

19. Pursuant to K.S.A. 74-5616(b)(1) the Commission may suspend, condition, revoke, reprimand, censure or deny 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.
20. 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.
21. 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.
22. K.A.R. 106-2-4(b) states that any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
23. Respondent caused damage, albeit minor, to a private vehicle when operating his patrol vehicle. Rather than appropriately check the vehicle for damage as he has been trained, Respondent made a cursory glance toward the vehicle and then left the scene. Respondent made no attempt to contact the owner of the vehicle about the collision. During the investigation, Respondent never provided details about the property he damaged until it was already discovered on in-car video. Rather than report what occurred, Respondent told his FTO, "There's a spot on our back rear bumper. I don't think I backed into anything but there's a dent there now." When completing his Officer's Special Report, Respondent was dishonest about how he discovered the damage and the events leading up to that discovery. Respondent lacked integrity when he was not forthright in his statements about how

Respondent lacked integrity when he was not forthright in his statements about how his patrol vehicle was damaged and in his written report. Respondent did not uphold his oath for certification by taking accountability for his actions, rather he continues to claim that he did not believe he was in a collision at the time it occurred. Respondent did not uphold the laws of the state when he left the scene of a property damage vehicle collision without an appropriate investigation, contact of the victim, or reporting of the incident.

24. 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**

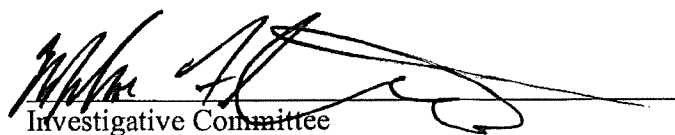
Based on the Respondent failing to maintain the minimum requirements for certification and engaging in unprofessional conduct, the Commission orders that the Kansas Law Enforcement Officer Certification of JUSTIN COOPER be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JUSTIN COOPER 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 3<sup>RD</sup> day of JANUARY, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING

  
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 3<sup>rd</sup> day of January, 2018, true and correct copies of the above and foregoing Summary Order of Revocation were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

JUSTIN COOPER



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