



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

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In the Matter of)	
)	
RUSSELL D. MITCHELL)	Case No. 2016-0137
#28065)	
_____)	

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 RUSSELL D. MITCHELL (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 28065.
2. Respondent was employed as a full-time police officer with the Overbrook Police Department from August 1, 2014 to November 9, 2016.
3. In May of 2016, the Kansas Bureau of Investigation (KBI) was investigating a sexual abuse case involving a child. The suspect was a county 911 dispatcher.
4. Respondent and his wife were friends with the suspect and his wife, T.M. T.M. phoned Respondent and told him about the sexual abuse allegations

against her husband. T.M. told Respondent details about the allegations, that the KBI was investigating the case, and specifics about KBI tactics used in their investigation. Respondent then shared this information with other officers, both within and outside of his department.

5. After learning that there was a leak and that tactical information was being disclosed about their investigation of the sexual abuse case, the KBI opened an investigation to determine the source of the leak.
6. On May 3, 2016, KBI Special Agent (SA) Herrera and KBI Senior Special agent (SSA) Malick interviewed Respondent. Respondent was asked if he told anyone about a controlled phone call that was placed during the sexual abuse investigation. Respondent said “no.” Respondent then stated that the only person he talked to about the case was his chief of police, but that he did not tell his chief about the controlled call. Respondent was asked who he told about the controlled call. Respondent then stated that the only person he told about the controlled call was Amanda Williams, an Osage County Sheriff’s Deputy. Respondent was asked if anyone else would know about the details of the case. Respondent said “no.”
7. After conducting other interviews, Agents Herrera and Malick interviewed Respondent for a second time on May 3rd. Respondent was asked if he told any other law enforcement, other than Amanda Williams, about the case. Respondent said “no.” Respondent was asked again, “...You’re sure you haven’t talked to anybody else about this case?” Respondent eventually admitted that he had also spoken to Osage County Sheriff’s Deputy Chris Wells. Respondent gave Chris Wells the details he knew of the KBI sexual abuse investigation.
8. Based on the leak of information regarding their investigation, KBI agents felt it necessary to interview the suspect in the sexual abuse case sooner than scheduled. Agents moved the suspect’s interview from May 5, 2016 to May 3, 2016.

CONCLUSIONS OF LAW

Conduct Constituting a Misdemeanor Crime

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 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. 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. 2011 Supp. 21-5904 and amendments thereto.
11. Respondent's conduct on May 3, 2016 constituted the crime of interference with law enforcement. Respondent lied to KBI officers numerous times in two separate interviews. Respondent's conduct impacted the timeline of the KBI investigation.

Good Moral Character

12. 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.
13. 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.
14. 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.

15. 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.
16. Respondent's conduct reflects a lack of the personal 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. T.M. contacted Respondent as a friend and law enforcement officer to seek his advice about the allegations against her husband. Respondent took the information T.M. told him, turned it into gossip, and spread it to law enforcement officers both in and outside of his agency. While doing so, Respondent also spread KBI tactics that were being used in an open investigation. When asked who Respondent told this information, rather than being honest, Respondent lied on multiple occasions to KBI agents who were concerned about the investigation and imminent contact with the suspect in the sexual abuse case involving a child. Respondent's conduct impacted the KBI investigation.
17. 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 RUSSELL D. MITCHELL be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF RUSSELL D. MITCHELLIS 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 8th day of January, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chairperson, 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 8th 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:

RUSSELL D. MITCHELL





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