



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203
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In the Matter of)
)
THOMAS J. DELGADO)
 #18694)
)

Case No. 2016-0199

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Kansas Commission on Peace Officers' Standards and Training (Commission) action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of THOMAS J. DELGADO (Respondent).

STATEMENT OF FACTS

1. Respondent holds a full-time law enforcement certification from the Commission, certification number 18694.
2. Respondent was employed as a full-time law enforcement officer with the Valley Center Police Department from April 1, 2014 to December 8, 2016.
3. On or about June 13, 2016, Respondent unlawfully possessed a visual depiction in which a child under eighteen years of age is shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the Respondent or any

other person. On or About April 1, 2016, Respondent unlawfully touched A.D., who was sixteen or more years of age, not the defendant's spouse and did not consent thereto, with the intent to arouse or satisfy the sexual desires of the Respondent or another. Between December 1, 2015 to December 12, 2016, Respondent knowingly used a telecommunications device to make or transmit any request, suggestion, proposal, image, or text which is obscene, lewd, lascivious or indecent to AJD, CNM, and ARB. Between February 1, 2015 and June 20, 2015, the Respondent, while a public officer or employee, in his capacity or under the color of the office or employment, used confidential information acquired in the course of and related to the officer's employment for the private benefit or gain of the officer. Specifically, Respondent obtained a phone number from a witness when responding to a 911 call. He later used the phone number to contact the witness and solicit her for a date. Between December 1, 2015 and December 12, 2015, Respondent placed his hand in the seat under CMN and talked about her butt, toward the perpetration of and intent to commit Sexual Battery, but he failed in the perpetration thereof or was prevented or intercepted in executing such crime.

4. On May 26, 2017, Respondent was criminally charged in the District Court of the Eighteenth Judicial District, Sedgwick County, Kansas, in Case Number 17CR1532 with: Sexual Exploitation of a Child, contrary to K.S.A. 2015 Supp. 21-5510(a)(2)(b)(1)(A), a severity level 5 person felony; Sexual Battery, contrary to K.S.A. 2015 Supp. 21-5505(a), a class A person misdemeanor; three counts of Harassment by Telecommunications Device, contrary to K.S.A. 2015 Supp. 21-6206(a)(1)(A), a class A nonperson misdemeanor; Official Misconduct, contrary to K.S.A. 2014 Supp. 21-6002(a)(3), a class A nonperson misdemeanor; and Attempted Sexual Battery, contrary to K.S.A. 2015 Supp. 21-5301(a)(e) and 2015 Supp. 21-5505(a), a class B person misdemeanor.

5. On May 25, 2018, Respondent entered a plea and was found guilty to Sexual Exploitation of a Child, Sexual Battery, Attempted Sexual Battery, Official Misconduct, and one count of Harassment by Telecommunications device.

CONCLUSIONS OF LAW

Felony Conviction

6. Pursuant to K.S.A. 74-5616(b)(1) the Commission may revoke 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.
7. K.S.A. 74-5605(b)(3) states that each applicant for certification shall not have been convicted of a crime that would constitute a felony under the laws of this state.
8. Due to his felony conviction in case number 17CR1532, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Good Moral Character

9. Pursuant to K.S.A. 74-5616(b)(1) the Commission may revoke 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.
10. 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.
11. 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.

12. Respondent's conduct that resulted in criminal charges in case number 17CR1532 demonstrates a lack of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.

Criminal Conduct

13. 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 felony crime under the laws of this state, a misdemeanor crime of domestic violence as defined in the Kansas Law Enforcement Training Act at the time the conduct occurred, or 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.
14. K.A.R. 106-2-2a(a)(12) 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 Sexual Battery, as defined in K.S.A. 2011 Supp. 21-5505 and amendments thereto.
15. K.A.R. 106-2-2a(a)(45) 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 Official Misconduct as defined in K.S.A. 2011 Supp. 21-6002 and amendments thereto.
16. K.A.R. 106-2-2a(a)(51) 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 Harassment by Telecommunication Device as defined in K.S.A. 2011 Supp. 21-6206 and amendments thereto.
17. Respondent's conduct constituted the misdemeanor crimes of Sexual Battery, Official Misconduct, and Harassment by Telecommunication Device.

Summary Proceedings

18. 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 these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of THOMAS J. DELGADO be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF THOMAS J. DELGADO 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 12th day of September, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, 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 13th day of September, 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:

THOMAS J. DELGADO

THOMAS J. DELGADO

THOMAS J. DELGADO, KDOC # 0119689
El Dorado Correctional Facility
P.O. Box 311
El Dorado, Kansas 67042



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

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CERTIFICATE OF SERVICE

This is to certify that on the 24th day of September, 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:

THOMAS J. DELGADO, KDOC # 0119689
El Dorado Correctional Facility
P.O. Box 311
El Dorado, Kansas 67042



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