

investigation to determine if Respondent had acted illegally or outside the scope of the law or county policy.

4. The SGSO identified over thirty traffic stops by Respondent between January 1, 2015 to June 9, 2015 that were considered “bad” traffic stops or searches. The investigation concluded that Respondent engaged in a pattern of conducting car stops on vehicles for violations that did not exist; that he then continued the “bad” stops into searches that were not lawful; and that he demonstrated a pattern of ignorance regarding state law.

5. Some of the “bad” stops included, but are not limited to, the following:

a. On January 22, 2015, Respondent conducted a traffic stop and told the driver the reason for the stop was a tag light violation. Dashcam video shows that the tag light was clearly visible at the time of the stop. The driver was cited for a tag light violation and driving while suspended. The purported reason for the stop was false.

b. On January 29, 2015, Respondent conducted a traffic stop and told the driver the reason for the stop was that the tag light was out. Respondent released the driver with a verbal warning. Dashcam video shows that the tag was clearly illuminated by a working tag light. The purported reason for the stop was false.

c. On March 6, 2015, Respondent attempted to stop a vehicle. The car fled down an alley when Respondent activated his emergency equipment. Respondent radioed that he was in a chase for traffic violations and possibly drugs. The pursuit ended quickly when the driver fled on foot. A passenger remained in the vehicle. Respondent then gave the tag number of the vehicle over the radio and it was returned as stolen. Respondent wrote in his report that he received a tag return of a stolen vehicle prior to activating his

emergency lights. However, Respondent checked two incorrect tags prior to initiating the stop. Neither returned on file. The dashcam video shows that the vehicle did not commit any moving violations prior to the stop. Respondent did not have a valid reason for initiating the traffic stop. He did not learn of the vehicle's stolen status until after the chase was concluded, but he falsely documented in his report that he was aware of that information and therefore became involved in the chase.

d. On March 27, 2015, Respondent stopped a vehicle and cited the driver with driving while suspended and no proof of insurance. In his written report, Respondent wrote that he ran the license plate on the vehicle and found that both registered owners had suspended driving privileges, and that he initiated a traffic stop. Respondent then wrote that he returned to his patrol car and confirmed that the information the driver gave him matched the female listed as a registered owner. However, prior to the stop, Respondent only ran one driver's license and it did not belong to the current driver. There was only one registered owner related to the license plate, and, again, it was not the current driver. The first time Respondent ran the driver's license was after he retrieved her name and date of birth during the stop. Respondent's written report falsely described his actions and the information he possessed prior to the vehicle stop.

e. On May 6, 2015, Respondent conducted a traffic stop and told the driver the tag light was out. The dashcam video shows that the tag light was clearly illuminating the tag. Respondent was detained on a child support warrant. The passenger was detained. Respondent searched the vehicle and can be heard entering a zippered object. Respondent finds a baggie that he believed contained meth, although it did not contain a controlled substance.

Respondent continued to search the vehicle and found scales on the floorboard. In his written report, Respondent wrote that the vehicle did not have a tag light illuminating the license plate. He wrote that he observed a plastic bag with what appeared to be narcotic residue inside the center console and detained the passenger. He also wrote that he was securing the vehicle due to heavy rain and, while on the outside of the vehicle, observed a digital scale on the floor board next to the brake pedal. Respondent indicated he then searched the vehicle and found a glass pipe with residue inside a paper bag on the center console. Respondent's written report is inconsistent with how and when he discovered drug paraphernalia in the vehicle. Additionally, the purported reason for the stop, no tag light, was false.

6. Respondent met with Commission Investigator Don Read on November 21, 2018. Respondent agreed that the evidence showed that he made traffic stops without probable cause and that his written reports were not accurate. However, he claimed that none of this was done "on purpose."

CONCLUSIONS OF LAW

Good Moral Character

7. 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.
8. 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.
9. 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.

10. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
11. Respondent's conduct of performing car stops on vehicles for violations that did not exist, continuing the "bad" stops into searches that were not lawful, and his demonstrated pattern of either ignorance or ignoring state law demonstrates a lack of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.

Unprofessional Conduct

12. 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.
13. 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.
14. Repeatedly during a five-month period, Respondent conducted traffic stops for violations that did not exist. He issued citations for the false violations. Respondent further submitted written reports with false information regarding his vehicle stops. The amount of "bad" stops during a short period demonstrates Respondent's intentional conduct.

Summary Proceedings

15. 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

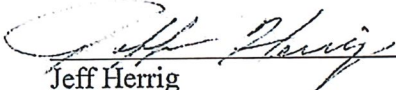
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of JOEL SUTHERLAND be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JOEL SUTHERLAND 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 13th day of May, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

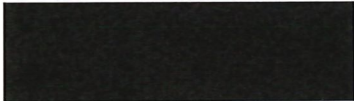
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

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 May, 2019, 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:

JOEL SUTHERLAND



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