



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

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In the Matter of)

JARROD WHITCOMB)
#22343)

Case No. 2018-0226

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 JARROD WHITCOMB (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 22343.
2. Respondent was employed as a full-time law enforcement officer with the Lenexa Police Department (LPD) from December 13, 2007 to September 5, 2018.
3. On August 26, 2018, Captain Schmitz walked into the front lobby of the LPD station and observed Respondent and another LPD employee, M.M.,

together in an area not visible to the public. Captain Schmitz found their behavior suspicious. He suspected that they were involved in a romantic relationship, which would violate LPD policy as M.M. was Respondent's subordinate. The LPD opened an investigation regarding the nature of the relationship between Respondent and M.M.

4. Captain Schmitz located LPD station video that showed physical contact, such as grabbing, hugging, or embraces, between Respondent and M.M. on two separate occasions. M.M. admitted that she and Respondent kissed on August 26, that it had happened on at least one other occasion, and that this occurred in the break room area so that they were out of public sight.
5. On September 2, 2018, Captain Schmitz interviewed Respondent regarding his relationship and contact with M.M. Respondent characterized his relationship with M.M. as "just friends." He denied that they were involved romantically or intimately or that anything romantic or intimate had occurred at the LPD. Captain Schmitz asked Respondent, "Was there any type of physical contact between you two [on August 26]?" Respondent replied, "No." Respondent also denied there was any type of intimate contact. Respondent denied that there had ever been physical contact prior to August 26. Throughout the interview, Respondent repeatedly denied that he engaged in physical contact with M.M. on August 26 or any other day.
6. The next day, on September 3, 2018, Respondent sent a text and email to Captain Schmitz admitting that he had "spontaneous" physical contact with M.M. on August 26 in the form of a kiss. This directly contradicted Respondent's repeated denials of ever having physical contact with M.M.
7. On September 4, 2018, Respondent was interviewed by Captain Schmitz and Chief Hongslo. Respondent stated that he had trouble remembering what happened with M.M. when asked during the September 2 interview, but later remembered a spontaneous kiss. Respondent stated it only happened one time. He stated that the two did have frequent physical

contact, such as squeezing biceps. Although Respondent stated that he and M.M. only kissed once, M.M. stated that they kissed on at least two occasions. The LPD corroborated physical contact on at least two occasions.

8. Commission Investigator Michael Oliver interviewed Respondent on November 20, 2018. Respondent continued to minimize his physical contact with M.M., telling Investigator Oliver that the kiss on August 26 was so playful that he could not remember if it was on the cheek or on the mouth, but Respondent did not think it was intimate.

CONCLUSIONS OF LAW

Unprofessional Conduct

9. 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.
10. 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.
11. Respondent made false statements during his September 2, 2018 interview with Captain Schmitz. After initially denying any physical contact with M.M., Respondent later admitted to a kiss and other flirtatious contact. Respondent was evasive and deceptive during later interviews with Chief Hongslo and Commission Investigator Oliver, vacillating between claims that he had no physical contact with M.M., that he could not remember the contact, that he kissed her once, and finally that he thought he was initially being asked about intimate physical contact and that he does not consider a kiss to constitute intimate contact.

Good Moral Character

12. 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.

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. Respondent's conduct demonstrates a lack of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer. Respondent and M.M. intentionally concealed themselves from public view while on-duty and engaged in physical contact. Respondent was dishonest about his physical contact with M.M. when initially interviewed. Respondent later admitted to physical contact but was evasive and deceitful in his responses about what occurred.

Summary Proceedings

16. 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 JARROD WHITCOMB be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JARROD WHITCOMB 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 10th day of April, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

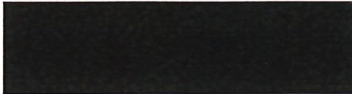
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

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 10th day of April, 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:

JARROD WHITCOMB



A handwritten signature in blue ink, reading "Rose Ann Ohmart".

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