

owner of the Beto Alvarez profile, the responding officer asked Respondent if he recognized the profile pictures. Respondent denied that he did. However, other DCPD officers recognized the Beto Alvarez Facebook profile as a fake profile used by Respondent. The DCPD opened an investigation into the matter. The investigation revealed that AV and Respondent engaged in a sexual relationship and AV subsequently made derogatory public comments regarding Respondent. AV received the harassing and threatening Facebook messages from Respondent's Beto Alvarez profile. The Beto Alvarez Facebook profile was subsequently deleted.

4. On January 9, 2019, Respondent was interviewed by DCPD staff regarding their investigation. Respondent admitted that the Beto Alvarez Facebook profile belonged to him. However, he denied knowing AV or sending her messages. Respondent was evasive in his responses. After being shown a photo of AV, Respondent stated that he may have dealt with her before on a work call but continued to deny sending her Facebook messages. When confronted with the information that he was alleged to have had sex with AV, Respondent continued to answer evasively and stated that he could not recall AV's face, but maybe she provided him with a different name when he was intoxicated. Respondent became defensive and agitated and abruptly left the interview.
5. Based on the Facebook messages sent to AV from the Beto Alvarez profile on December 21, 2018, Respondent was charged in the Municipal Court of Dodge City, Kansas with one count of Harassment by Telecommunication Device, Case Number 1827389, Citation Number E237824. On March 26, 2019, Respondent entered a General Diversion Agreement in the case. In the agreement, Respondent stipulated that he committed the offense.

6. Based on the information in paragraphs three through five, a Commission interview with Respondent was necessary to determine his continued suitability for law enforcement certification. Commission Investigator Don Read mailed Respondent notice of a scheduled interview. When Respondent did not appear for the interview, Investigator Read contacted him by phone. Respondent indicated that he had not received the notice but that he would schedule an interview by email. Respondent later indicated by email, “. . . I don't think I can take time out of my schedule to come all the way up to Wichita and explain my side of the story. You've been given the reports and narratives I'm sure. They tell the tale of what happened.” Investigator Read was unable to complete an interview with Respondent.

CONCLUSIONS OF LAW

Criminal Conduct

7. 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.
8. 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. 21-6206 and amendments thereto.
9. The elements of harassment by telecommunication device under the Dodge City Municipal Ordinance are identical to the elements set forth in K.S.A. 21-6206.

10. On December 21, 2018, Respondent engaged in conduct that constituted harassment by telecommunication device.

Unprofessional Conduct

11. 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.

12. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as, except for a legitimate law enforcement purpose, intentionally using a false or deceptive statement in any official document or official communication.

13. Respondent intentionally used false or deceptive statements in response to questions regarding a criminal investigation into messages received by AV. Respondent denied recognizing the Beto Alvarez Facebook profile but later admitted it was his “fake” profile. Respondent denied knowing or messaging AV. However, both Respondent and AV told others they had engaged in a sexual relationship. Respondent also stipulated that he committed the offense of harassment by telecommunication device against AV.

Failure to Cooperate in Commission Investigation

14. Pursuant to K.S.A. 74-5616(b)(3), the Commission may revoke the certification of a police or law enforcement officer who provides false information or otherwise fails to cooperate in a Commission investigation to determine a person’s continued suitability for law enforcement certification.

15. Respondent failed to cooperate in a Commission investigation to determine his continued suitability for law enforcement certification.

Good Moral Character

16. 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.
17. K.S.A. 74-5605(b)(5) states that each applicant for certification shall be of good moral character to warrant the public trust in the applicant as a police officer or law enforcement officer.
18. 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.
19. Respondent's conduct shows that he lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

20. 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 Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of TANNER STRAIGHT be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF TANNER STRAIGHTIS 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 4th day of October, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

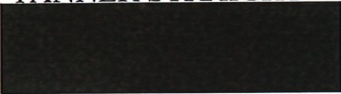
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

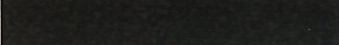
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 4th day of October, 2019, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

TANNER STRAIGHT



and emailed to: 

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