



4. In his role as Chief, Respondent completed and submitted paperwork to have newly hired officers attend basic training at the Kansas Law Enforcement Training Center, including a form entitled Certification of Student Eligibility to Attend Basic Training (Certification). The Certification includes the following language:

I certify that the above applicant has completed both a physical and psychological examination within the twelve month period preceding the start date of the basic training academy as indicated below.

As the Agency Head, Respondent signed the Certification below the statement, "I certify under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge."

5. Between March 15, 2013 and February 20, 2017, Respondent submitted two Certifications on law enforcement applicants who had completed written psychological testing given by the HPD, but whose tests were never submitted for evaluation. Respondent submitted one Certification for a law enforcement applicant who was not given any psychological testing. On all three Certifications, Respondent provided a date of the examination and provided information regarding the Doctor or Company who administered the examination. Respondent certified under penalty of perjury that the three applicants had completed the psychological examination when they had not.
6. On June 27, 2018, Respondent was drinking alcohol and became upset. Respondent pushed his wife, broke chairs, and punched a hole in the wall. Respondent's son positioned himself between his parents during an argument. The son's thumb was injured by Respondent while the son tried to protect his mother.
7. Based on his conduct on June 27, 2018, Respondent was charged in the District Court of Allen County, Case Number 2018-CR-303, with one count of Domestic Battery, contrary to K.S.A. 21-5414, a class B person

misdemeanor; one count of Battery, contrary to K.S.A. 21-5413, a class B person misdemeanor; and two counts of Criminal Damage to Property, contrary to K.S.A. 21-5813, a class B nonperson misdemeanor.

8. On October 22, 2018, Respondent entered a Diversion Agreement on the four criminal counts charged in Case Number 2018-CR-303.

### CONCLUSIONS OF LAW

#### Fail to Maintain Minimum Requirements for Certification

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)(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, a misdemeanor crime of domestic violence or a misdemeanor offense that the Commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the Commission.
11. K.S.A. 74-5605(d) states that as used in this section, "conviction" includes any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence.
12. K.S.A. 74-5602(j) defines misdemeanor crime of domestic violence to include a violation of domestic battery as provided by K.S.A. 21-5414, and amendments thereto.
13. Due to his conviction for a misdemeanor crime of domestic violence, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

### Criminal Conduct

14. 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.
15. K.A.R. 106-2-2a(a)(6) 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 battery, as defined in K.S.A. 21-5413 and amendments thereto.
16. K.A.R. 106-2-2a(a)(30) 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 criminal damage to property, as defined in K.S.A. 21-5813 and amendments thereto.
17. Respondent's conduct on June 27, 2018 constitutes the crimes of battery and criminal damage to property.

### Unprofessional Conduct

18. 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.

19. 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.
20. Respondent engaged in unprofessional conduct by intentionally submitting false or deceptive Certifications regarding applicant psychological testing.

#### Good Moral Character

21. 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.
22. 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.
23. 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.
24. 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

25. 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**

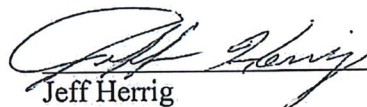
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of BRIAN DILLOW be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF BRIAN DILLOW 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 19<sup>th</sup> day of February, 2018.<sup>9</sup>

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 19 day of Feb., 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:

BRIAN DILLOW



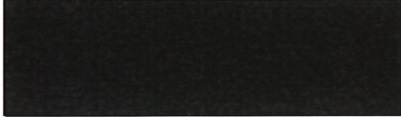
A handwritten signature in blue ink that reads "Eva Smith".

\_\_\_\_\_  
Eva Smith  
Kansas Commission on Peace Officers'  
Standards and Training

**CERTIFICATE OF SERVICE**

This is to certify that on the 14<sup>th</sup> day of March, 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:

BRIAN DILLOW



A handwritten signature in blue ink, reading "Rose Ann Ohmart", written over a horizontal line.

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