



BEFORE THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

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In the Matter of)
)
CHRISTOPHER OLSEN)
 #20762)
)

Case No. 2019-0173

CONSENT AGREEMENT AND ORDER OF REVOCATION

Pursuant to K.S.A. 77-505

Now on this 27th day of May, 2020, the above-referenced matter comes on for consideration by the Kansas Commission on Peace Officers' Standards and Training (Commission). Under the Kansas Administrative Procedure Act, the Commission has delegated its authority to hear and decide the above-referenced matter to the Hearing Panel, which is comprised of the following Commissioners: Herman Jones, Superintendent of the Kansas Highway Patrol; Kelly Herzet, Sheriff of Butler County Sheriff's Office; and Don Scheibler, Chief of Hays Police Department. The Commission Investigative Counsel is represented by Michelle R. Meier, Special Assistant Attorney General. Christopher Olsen is not represented by counsel.

To resolve this matter, the parties have agreed to enter into this Consent Agreement and Order of Revocation.

Christopher Olsen (Olsen) agrees, stipulates, and acknowledges that if this matter were to proceed to hearing, the following information or statements would be presented by clear and convincing evidence to the Hearing Panel.

Procedural History

1. The Commission received information concerning Olsen's qualifications for certification as a law enforcement officer. As a result, the Commission investigated the information and the Commission Investigative Committee determined Olsen violated provisions of the Kansas Law Enforcement Training Act (KLETA), K.S.A. 74-5601 *et seq.* or regulations adopted thereunder. Based upon that determination, the Commission Investigative Committee issued a Summary Order of Revocation to revoke Olsen's law

enforcement certification on March 18, 2020. Olsen timely requested a hearing. The Hearing Panel is in the process of scheduling a hearing date.

Stipulated Facts

2. The Commission issued a full-time law enforcement certification to Olsen, certification number 20762.
3. Olsen was employed as a full-time law enforcement officer with the Gray County Sheriff's Office (GCSO) from August 17, 2015 to April 22, 2019.
4. Olsen conducted a traffic stop and subsequent drug arrest. During the traffic stop, Olsen seized \$320 and two small baggies that he suspected contained cocaine. In the arrest affidavit he completed in the case, Olsen stated that he believed the currency was used for the purchase of illegal narcotics. On January 28, 2019, Olsen received a destruction order for the evidence in the case. Olsen destroyed the cocaine by incineration but kept the \$320.
5. GCSO conducted an investigation regarding the missing currency. A GCSO investigator conducted an interview with Olsen on June 13, 2019. Olsen stated that he burned the currency with the cocaine as it was all in one envelope. On July 12, 2019, a special agent with the Kansas Bureau of Investigation conducted an interview with Olsen regarding the missing currency. Olsen told the special agent that he incinerated the currency pursuant to the destruction order in the narcotics case. Olsen met with the special agent again on July 30, 2019. Olsen presented the special agent with a brown paper bag containing \$320. The bag was marked with the narcotics case number. Olsen admitted that he had not destroyed the money as he originally stated and that he decided to tell the truth once confronted with the possibility of submitting to a polygraph examination.
6. Based on Olsen's actions as enumerated in paragraphs four and five, he was criminally charged in the District Court of Gray County, Case Number 2019-CR-000063. On September 3, 2019, Olsen entered a Nolo Contendere plea and was found guilty of one count of Interference with Law Enforcement, contrary to K.S.A. 21-5904(a)(2), and one count of Theft, contrary to K.S.A. 21-5801(a)(1).
7. The above factual statements are true and correct and provide legally sufficient grounds to determine whether Olsen is in violation of the KLETA or regulations adopted thereunder.

Conclusions of Law

8. 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 KLETA 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.

9. K.A.R. 106-2-2a(a)(26) 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 theft, as defined in K.S.A. 21-5801, and amendments thereto.
10. K.A.R. 106-2-2a(a)(35) 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 interference with law enforcement, as defined in K.S.A. 21-5904, and amendments thereto.
11. 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.
12. 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.
13. 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.
14. These legal conclusions are correct and sufficient legal grounds to revoke Olsen's certification as a law enforcement officer.
15. Olsen acknowledges and agrees that he violated the provisions of the KLETA enumerated in paragraphs eight through thirteen.
16. The revocation of Olsen's certification as a law enforcement officer is appropriate for his violations of the KLETA or regulations adopted thereunder as set forth above and is not arbitrary or capricious regardless of whether those violations are considered separately or collectively.
17. Olsen does not dispute any of the above facts or conclusions and waives any further proof in this or any other proceeding before or initiated by the Commission.

Acknowledgements and Agreement

Christopher Olsen (Olsen) fully understands, agrees, and stipulates to the following.

18. The Commission is the Kansas agency vested with the authority to carry out and enforce the provisions of the KLETA. Under the KLETA, the Commission is vested with the authority to conduct proceedings and hearings to condition, suspend, or revoke the certification of a police officer or law enforcement officer.
19. Olsen states he is of sound mind and not under the influence of or impaired by alcohol, any medication, or any drug. By signing this Consent Agreement and Order of Revocation, Olsen knowingly and voluntarily submits to the jurisdiction of the Commission in this matter.
20. Olsen acknowledges he has the right to be represented by counsel of his own choosing and expense. Olsen waives this right and chooses to proceed pro se. Olsen voluntarily enters into this Consent Agreement and Order of Revocation after having been given the opportunity to consult with counsel.
21. Olsen and the Commission mutually desire to enter into this Consent Agreement and Order of Revocation in lieu of any proceeding or hearing on the issue or issues of whether Olsen violated any provision in the KLETA or any regulation adopted pursuant to the KLETA, and if so, whether his certification should be conditioned, suspended, or revoked.
22. In lieu of an adjudicatory hearing in this matter, Olsen hereby voluntarily surrenders his certification as a law enforcement officer in the State of Kansas, certification number, 20762. Olsen knowingly and voluntarily acknowledges and stipulates to the facts, legal conclusions, conditions, and orders as stated herein.
23. By surrendering his certification and voluntarily entering into this Consent Agreement and Order of Revocation, Olsen acknowledges and agrees that he waives all rights to a hearing and an adjudication by the Hearing Panel regarding the applicable facts, law, and penalty, as well as reconsideration of such adjudication, under the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-507 *et seq.* Olsen acknowledges and agrees he also waives all rights for review under the Kansas Judicial Review Act (KJRA) K.S.A. 77-601 *et seq.* Olsen further understands his waivers will result in the waiver of the following rights under the KAPA and the KJRA:
 - A. The right to contest any alleged violation of the KLETA or regulations adopted thereunder;
 - B. the right to have a public hearing on the issues in this matter;
 - C. the right to confront and cross-examine witnesses called to testify against me;
 - D. the right to present evidence on my own behalf;
 - E. the right of compulsory process to secure attendance of witnesses to testify on my own behalf;

- F. the right to testify on my own behalf;
- G. the right to receive written findings of fact and conclusions of law to support the decision on the merits of the issues in this matter; and
- H. the right to obtain judicial review of the Commission's decision.

24. Olsen acknowledges he has read this Consent Agreement and Order of Revocation in its entirety, he understands its legal consequences, and he agrees that none of its provisions or terms are unconscionable, arbitrary, or capricious.
25. The parties agree this Consent Agreement and Order of Revocation is intended to resolve only violations arising out of the facts set forth in the Summary Order of Revocation in this matter. The Commission reserves jurisdiction regarding any other potential complaints arising from circumstances or incidents other than those concerning the Summary Order of Revocation in this matter.
26. Olsen understands the Commission is free to accept or reject this Consent Agreement and Order of Revocation, and if rejected, the Commission will begin proceedings authorized under the KAPA. If either party should reject this Consent Agreement and Order of Revocation, it shall be regarded as null and void and will not be regarded as evidence against either party at a subsequent proceeding or hearing in this matter. Olsen will be free to present a defense and no inferences will be made from his willingness to consider this Consent Agreement and Order of Revocation. It is further agreed that neither the presentation of this Consent Agreement and Order of Revocation nor the Commission's consideration of the same will be deemed to have unfairly or illegally prejudiced the Commission or its individual members and thereby Olsen agrees to waive any rights he may have to challenge the impartiality of the Commission or its members to conduct any proceeding or hearing regarding the incident or incidents in this matter if either party rejects this Consent Agreement and Order of Revocation.
27. The parties agree this Consent Agreement and Order consists of a total of eight (8) pages, including the signature and certificate of service pages, and constitutes the entire agreement between Olsen and the Commission. This Consent Agreement and Order of Revocation may only be changed, modified, or amended by a written agreement signed by the parties and a member of the Hearing Panel and filed with the Commission.
28. By signing this Consent Agreement and Order of Revocation, Olsen consents to the submission of this Consent Agreement and Order of Revocation to the Hearing Panel, and understands that upon approval by the Hearing Panel, this Consent agreement and Order becomes a final order of the Commission. Olsen understands that the Consent Agreement and Order of Revocation shall become effective on the day it is approved, accepted, signed and entered as an order of the Commission.

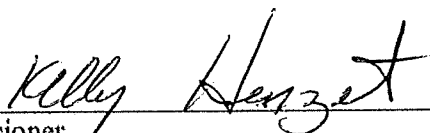
29. Upon execution by all parties and entry as an order by the Commission, Olsen acknowledges this Consent Agreement and Order of Revocation becomes a public record and is subject to disclosure under the Kansas Open Records Act.
30. Olsen acknowledges and agrees this Consent Agreement and Order shall remain a part of his permanent certification record and be considered as disciplinary action.
31. Olsen does hereby fully, completely, and finally release the Commission and its agents, staff, or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and whatsoever related to this Consent Agreement and Order of Revocation. The Commission admits to no liability in any way related to this Consent Agreement and Order of Revocation.
32. Olsen acknowledges and agrees this Consent Agreement and Order of Revocation is in conformance with Kansas and federal laws and the Commission has jurisdiction to enter into this Consent Agreement and Order of Revocation and to revoke his certification as a law enforcement officer. Olsen further agrees that the KLETA is constitutional on its face and as applied in this case. Additionally, this Consent Agreement and Order of Revocation shall be interpreted under Kansas law and construed as if jointly prepared and written by the parties, and any uncertainty or ambiguity shall not be interpreted against either party.
33. The parties agree this Consent Agreement and Order of Revocation shall be interpreted under Kansas law and in the event a Kansas court of competent jurisdiction deems any provision of this Consent Agreement and Order of Revocation invalid or unenforceable, the remaining provisions of this Consent Agreement and Order of Revocation shall be given full force and effect.
34. By surrendering his certification and signing this agreement, Olsen agrees and acknowledges the Commission will revoke his certification as a law enforcement officer and this disposition is just and appropriate under the above stated facts, conclusions, stipulations, and acknowledgments.
35. Olsen further agrees not to seek or request reinstatement or certification as a law enforcement officer in Kansas for a period of five (5) years from the effective date of this Consent Agreement and Order of Revocation. If Olsen makes such a request after that time, he acknowledges he must provide evidence to show he meets the qualifications for certification as a law enforcement officer as well as the factors stated in K.S.A. 2016 Supp. 74-5622 and amendments thereto for reinstatement or certification as a law enforcement officer.

ORDER

Based upon the above acknowledgements, agreements, and stipulations of applicable facts, law, and conclusions, the Commission hereby accepts Christopher Olsen's surrender of his certification as a law enforcement officer and orders the revocation of his law enforcement officer certificate.

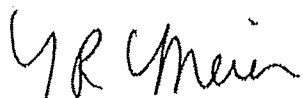
It is the further decision and Order of the Commission that Christopher Olsen must return to the Commission all evidence of his certification as a law enforcement officer within thirty (30) days from the date entered on the certificate of service below.

IT IS SO ORDERED.



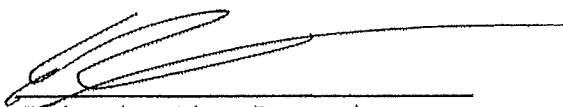
Commissioner
As authorized by and on behalf of the Presiding Officers
Kansas Commission on Peace Officers' Standards and Training

PREPARED AND APPROVED BY:



Michelle R. Meier, #20933
Special Assistant Attorney General
Litigation Counsel for the Commission

AGREED AND APPROVED BY:

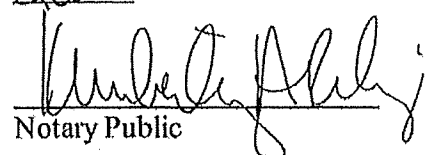


Christopher Olsen, Respondent

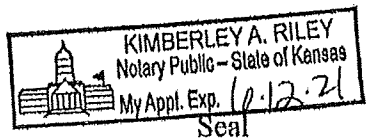
STATE OF KS
COUNTY OF Gray

CHRISTOPHER OLSEN personally appeared before me a notary public, in and for the county and state aforesaid, who being duly sworn, did in my presence execute the foregoing Consent Agreement and Order of Revocation by affixing his signature thereto.

IN WITNESS THEREOF, I have affixed by seal and signature this 8th day of May, 2020.



Notary Public



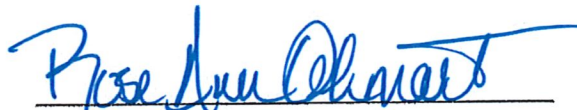
CERTIFICATE OF SERVICE

This is to certify that on the 29th day of May, 2020, a copy of the above Consent Agreement and Order of Revocation was deposited in the United States mail, first-class postage prepaid, and addressed to:

CHRISTOPHER OLSEN


I further certify that on the same day a copy of the above Consent Agreement and Order of Revocation was personally delivered to:

Michelle R. Meier
Special Assistant Attorney General
Kansas Commission on Peace Officers' Standards and Training
1999 N. Amidon, Ste 350
Wichita, Kansas 67203



Staff
Kansas Commission on Peace Officers'
Standards and Training