



not leave. He told his child, "If you call the cops I'm going to lose my job." Respondent used his department radio during the incident, stating to first responders that everything was okay and that his wife had recently had surgery.

4. Based on his conduct on July 10, 2018, Respondent was charged in the District Court of Montgomery County, Case Number 2018-CR-314-I, 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; one count of criminal restraint, contrary to K.S.A. 21-5411, a class A person misdemeanor; one count of endangering a child, contrary to K.S.A. 21-5601, a class A person misdemeanor; one count of intimidation of a witness or victim, contrary to K.S.A. 21-5909, a class B person misdemeanor; and one count of official misconduct, contrary to K.S.A. 21-6002, a class A nonperson misdemeanor.
5. On October 4, 2018, Respondent entered a Diversion Agreement on the six criminal counts charged in Case Number 2018-CR-314-I.

#### CONCLUSIONS OF LAW

##### Fail to Maintain Minimum Requirements for Certification

6. 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.
7. 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.

8. 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.
9. 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.
10. 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

11. 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.
12. 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.
13. K.A.R. 106-2-2a(a)(4) 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 restraint, as defined in K.S.A. 21-5411 and amendments thereto.

14. K.A.R. 106-2-2a(a)(14) 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 endangering a child, as defined in K.S.A. 21-5601 and amendments thereto.
15. K.A.R. 106-2-2a(a)(39) 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 intimidation of a witness or victim, as defined in K.S.A. 21-5909 and amendments thereto.
16. K.A.R. 106-2-2a(a)(45) 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 official misconduct, as defined in K.S.A. 21-6002 and amendments thereto.
17. Respondent's conduct on July 10, 2018 constitutes the crimes of battery, criminal restraint, endangering a child, intimidation of a witness or victim, and official misconduct.

#### Good Moral Character

18. 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.
19. 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.
20. 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.

21. 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

22. 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**

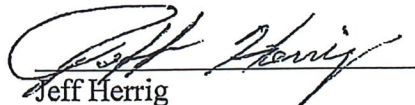
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of JASON DAVIS be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JASON DAVIS 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 19th day of June, 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 19<sup>th</sup> day of June, 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:

JASON DAVIS  


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