

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

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In the Matter of)	
)	
Jeffrey G. Montre)	Case No. 2018-0193
<u>Certification No. 11136</u>)	

ORDER

Now, on this 18th day of January 2019, the above-referenced matter comes for hearing by the Kansas Commission on Peace Officers' Standards and Training (the Commission). Under the Kansas Administrative Procedure Act, the Commission has delegated its authority to serve as the Presiding Officer in the above-referenced matter to the Hearing Panel, which is comprised of the following Commissioners: Richard Powell, Undersheriff of Sedgwick County Sheriff's Office; Herman Jones, Sheriff of Shawnee County Sheriff's Office; and Kirk D. Thompson, Director of the Kansas Bureau of Investigation.

Jeffrey G. Montre did not appear in person, by telephone, or through counsel. The Commission was represented by its litigation counsel, Special Assistant Attorney General Michelle Meier.

Based upon its records and the evidence presented at the hearing, the Commission makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

Procedural History

1. The Commission granted a full-time law enforcement certification to Jeffrey G. Montre (Montre) on February 13, 2009. He was employed as a deputy sheriff with the Saline County Sheriff's Office from June 27, 2011, to June 3, 2013. He was not employed as a law enforcement officer on November 30, 2014.

2. On September 13, 2018, the Commission served Montre with a Summary Order of Revocation. In that Order, the Commission found that Montre violated the Kansas Law Enforcement Training Act (KLETA), specifically K.S.A. 2014 Supp. 74-5616(b)(1) and (5). Based on those violations, the Commission revoked Montre's certification as a law enforcement officer. Montre filed a timely request for a hearing.

3. The hearing was originally scheduled for November 16, 2018, but was continued at Montre's request to January 18, 2019. In an e-mail, Montre confirmed to a member of the Commission's staff that he had received the notice continuing the hearing to January 18, 2019. On that date, Montre did not appear for the hearing in person, by telephone, or through counsel. The hearing was held without his presence. Exhibits 1 through 10 were admitted into evidence and testimony was presented as set forth below.

Hearing

4. Shortly after midnight on November 30, 2014, two 15-year-old males were driving around in Salina, Kansas, and decided to follow a deer they had seen run into a cemetery. When they could not find the deer, they decided to leave the cemetery. However, they could not see an exit and drove on the grass to leave the cemetery.

5. Montre was driving his vehicle outside of the cemetery and saw the teenagers' vehicle driving on the grass. After it exited the cemetery, he followed the teenager's vehicle for two blocks and into a parking lot. Montre called dispatch to report the vehicle driving on the grass in the cemetery. Because he had called dispatch, Montre's conversation with the teenagers was recorded when he confronted them.

6. Montre told the teenagers that driving on the grass in the cemetery was destruction of property. When the driver asked who he was, Montre responded, "Okay, do you want me to show my badge or do you wanna go ahead and play stupid. I'm a Deputy Sheriff." Montre then told the dispatcher, "Pam don't worry about it. I got it taken care of." When the dispatcher asked who was speaking, he replied, "This is Montre." After the teenagers apologized to Montre, he then told them to be safe and left.

7. Montre then sent two texts to the dispatcher, Pam George. The first text stated: "Idiot kids. U gonna turn me in for lying to em?" Shortly thereafter, he sent the second text. It read: "Sorry pammy ... just pisses me off that people drive through the grass all of the time. City should've never taken the shrubs out!!!"

8. Tyler Goldsby was a Patrol Officer with the Salina Police Department and received the dispatch call regarding a vehicle in the cemetery driving on the grass. He drove to the cemetery but did not locate any damage to the cemetery.

9. Officer Goldsby contacted the teenage passenger in the vehicle that drove through the cemetery and another officer contacted the teenager who drove the vehicle. Both teenagers advised the officers that Montre had presented himself as a deputy sheriff. Officer Goldsby knew Montre had previously worked as a deputy sheriff with the Saline County Sheriff's Office but was no longer working as a law enforcement officer.

10. On May 20, 2015, Montre was convicted of a misdemeanor offense—false impersonation in violation of K.S.A. 21-5917(a).

11. Don Read is an investigator for the Commission and was assigned to investigate this matter. He interviewed Montre on July 25, 2018. During the interview, Montre admitted that he told the teenagers he was a deputy sheriff. Montre explained he did this to try to keep the kids off the grass. At that time, Montre was not working as a deputy sheriff. However, he became employed as a patrol officer with the Marquette Police Department on December 12, 2017—or more than three years after the incident with the teenagers.

Conclusions of Law

Jurisdiction

12. The Commission's Investigative Committee issued a Summary Order of Revocation that concluded Montre had violated two provisions of the Kansas Law Enforcement Training Act and revoked his law enforcement officer certification. Montre requested a hearing on the order. The Commission has jurisdiction over Montre and this matter.

Conduct Constituting a Misdemeanor Crime

13. The Commission is authorized to suspend, condition, or revoke the certification of a law enforcement officer who engages in conduct which, if charged as a crime, would constitute a misdemeanor crime that reflects on the honesty, trustworthiness, integrity, or competence of a law enforcement officer as defined by the Commission in a regulation. K.S.A. 2018 Supp. 74-5616(b)(5). K.A.R. 106-2-2a(a)(25) provides that an officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute the misdemeanor crime of false impersonation, as defined in K.S.A. 2011 Supp. 21-5917 and amendments thereto.

14. The misdemeanor offense of false impersonation is defined, in pertinent part, as “representing oneself to be a public officer . . . with knowledge that such representation is false.” K.S.A. 2018 Supp. 21-5917(a). The term “public officer” includes “a law enforcement officer.” K.S.A. 2018 Supp. 21-5111(aa)(5). Under the KLETA, a law enforcement officer includes a full-time or part-time salaried deputy in a county sheriff’s office. K.S.A. 2018 Supp. 74-5602(g).

15. On November 30, 2014, Montre told the teenagers that he was a deputy sheriff when he confronted them. At that time, he was not employed as a deputy sheriff in a county sheriff’s office. Montre’s texts to the dispatcher showed he knew his representation to the teenagers that he was a deputy sheriff was false. His statement to Investigator Reed shows his representation was intentional as he wanted to stop the teenagers from driving on the grass. Montre has not disputed this evidence.

16. Based on the totality of the evidence, the Commission finds that there is clear and convincing evidence to show Montre engaged in conduct which, if charged as a crime, would constitute a misdemeanor crime that reflects on the honesty,

trustworthiness, integrity, or competence of a law enforcement officer. One such misdemeanor crime is false impersonation as defined in K.S.A. 2018 Supp. 21-5917(a). K.A.R. 106-2-2a(a)(25). Thus, the Commission concludes that Montre violated K.S.A. 2018 Supp. 74-5616(b)(5).

Good Moral Character

17. K.S.A. 2018 Supp. 74-5616(b)(1) authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who fails to meet and maintain the requirements for certification as set forth in K.S.A. 74-5605 and amendments thereto. One requirement for certification as a law enforcement officer is the person must possess good moral character sufficient to warrant the public trust. K.S.A. 2018 Supp. 74-5605(b)(5).

18. K.A.R. 16-2-4(a) defines the term "good moral character" to include the following personal traits or qualities:

- (1) Integrity;
- (2) honesty;
- (3) upholding the laws of the state and nation;
- (4) conduct that warrants the public trust; and
- (5) upholding the oath required for certification as specified in K.A.R. 106-3-6.

The required oath for certification as a law enforcement officer is:

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution of the United States and of the state of Kansas, my community, and the agency I serve. K.A.R. 106-3-6.

19. Any single incident or event is sufficient to show that an officer has failed to maintain good moral character sufficient to warrant the public trust. K.A.R. 106-2-4(b).

20. Because they are vital members of the judicial system, law enforcement officers must adhere to a higher standard of conduct than what is expected of private citizens. For persons who uphold the law, this higher standard is not reflected in taking the path of least resistance, but by doing the unpleasant thing if it is right and not doing the pleasant thing if it is wrong. *Application of Walker*, 112 Ariz. 134, 138 (1975).

21. The practice of law enforcement is reliant upon the trait of good moral character sufficient to warrant the public trust. The trust that the public places in a law enforcement officer is based upon the expectation that an officer is honest, candid, fair, and respectful of the laws and individuals. Any officer failing to adhere to these standards has compromised their integrity.

22. The Commission hereby incorporates by reference the paragraphs numbered 13 through 16 above. Those paragraphs show Montre's conduct clearly demonstrates a lack of good moral character sufficient to warrant the public trust. When the teenagers asked him who he was, Montre responded he was a deputy sheriff; his response was not honest or candid. His texts to the dispatcher showed he knew his representation was false. By committing the misdemeanor crime of false impersonation, Montre did not uphold the laws of this state. By asking the dispatcher not to report him, he also did not hold himself accountable as required by the oath for certification as a law enforcement officer.

23. Additionally, Montre told the teenagers driving on the grass was destruction of property. However, the property had not been damaged. Moreover, Montre made the accusation without having investigated the property for damage or having received a report of such damage. Rather, Montre made the accusation because he was mad at the teenagers. Such conduct erodes the public trust in law enforcement.

24. Based upon the totality of the evidence, the Commission concludes that there is clear and convincing evidence to show Montre has failed to maintain the requirements for certification as a law enforcement, specifically the requirement of "good moral character sufficient to warrant the public trust" in K.S.A. 2018 Supp. 74-5605(b)(5). The Commission further concludes that Montre's failure to maintain the requirement of good moral character sufficient to warrant the public trust violates K.S.A. 2018 Supp. 74-5616(b)(1).

Sanction

25. As discussed above, the Commission has concluded that the facts show Montre violated two provisions in the KLETA—K.S.A. 2018 Supp. 74-5605(b)(1) and (5). In short, his conduct violated the criminal laws of this state, was intentional, and was dishonest. He also asked the dispatcher not to report him.

26. Montre has not been previously disciplined by the Commission for violating the KLETA. However, Montre presented no evidence or arguments to mitigate the sanction of revocation.

27. Based upon the two violations of the KLETA, separately and collectively, the Commission further concludes that the law enforcement officer certification issued to Jeffrey G. Montre should be revoked.

ORDER

WHEREFORE, after consideration of the above findings of facts and conclusions of law, it is the decision and order of the Commission that the certification as a law enforcement officer issued to Jeffrey G. Montre should be revoked. It is the further decision and order of the Commission that Jeffrey G. Montre must surrender and 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 SO ORDERED.

Kansas Commission on Peace Officers'
Standards and Training



Richard Powell, Commissioner and
Chair of Hearing Panel

NOTICE OF ADMINISTRATIVE RELIEF

The above Order revoking the law enforcement officer certification issued to Jeffrey G. Montre is a final order. Pursuant to K.S.A. 2018 Supp. 77-529, a party may file with the Commission a petition for reconsideration within 15 days from the date noted below in the Certificate of Service. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 2018 Supp. 77-528, a party may file, if applicable, a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

The person who may receive service of a petition for reconsideration or a petition for stay of effectiveness, if applicable, on behalf of the Commission is: Gary E. Steed, Executive Director of KS-CPOST, 1999 N. Amidon, Suite 350, Wichita, KS 67203.

NOTICE OF JUDICIAL RELIEF

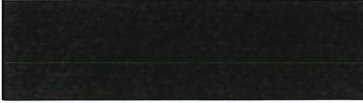
If a petition for reconsideration is not filed, a party may file within 30 days from the date noted below in the Certificate of Service a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The person who may receive service of a petition for judicial review on behalf of the Commission is: Gary E. Steed, Executive Director of KS-CPOST, 1999 N. Amidon, Suite 350, Wichita, KS 67203.

CERTIFICATE OF SERVICE

This is to certify that on this 6th day of February 2019, a copy of the above Notice of Hearing and a copy of the Summary Order of Revocation were deposited in the United States mail, first-class postage prepaid, and addressed to:

Jeffrey G. Montre



I further certify that on the same day a copy of the above Notice of Hearing and a copy of the Summary Order of Revocation were personally delivered to:

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

A handwritten signature in blue ink, reading "Braden Olmstead", written over a horizontal line.

Staff
Kansas Commission on Peace Officers'
Standards and Training