



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

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In the Matter of)
)
JACOB MULLEN)
 #30286)
_____)

Case No. 2018-0209

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Kansas Commission on Peace Officers' Standards and Training (Commission) action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of JACOB MULLEN (Respondent).

STATEMENT OF FACTS

1. Respondent holds a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 30286.
2. Respondent was employed as a full-time law enforcement officer with the Kiowa County Sheriff's Office (KCSO) from January 16, 2018 to July 26, 2018.
3. On July 13, 2018, Respondent conducted a traffic stop on two vehicles that were traveling together on the highway, both in excess of the posted speed

limit. One driver was a female, the other male. Respondent issued both drivers a citation for speeding and served them with their copies of the tickets. On the same day, Respondent issued a citation to a third driver on an unrelated traffic stop.

4. Respondent did not submit the citations he issued on July 13, 2018 to the KCSO at the end of his shift, as required by their policy. Instead, he took them into his residence where the Sheriff located them during an unrelated investigation on July 16, 2018. Respondent was directed to submit the citations to the KCSO, so they could be entered and turned over to the court. However, Respondent later destroyed the citations for the male and female travel companions and did not immediately submit the third citation.
5. Respondent was disciplined on an unrelated employment matter. On July 23, 2018, while serving a two-day suspension from work, Respondent used information obtained in the traffic stop to locate and contact the female driver through Facebook Messenger. Respondent informed the female that he had dismissed the speeding citations he previously issued to her and her travel companion. Respondent then complimented the female and commented on her appearance. The conversation became "romantic" and Respondent referenced toy handcuffs. He also made comments about being able to find the female, with the help of other deputies, when she was back in the area camping at the lake. Respondent's comments scared the female, who reported the communication to the (KCSO).
6. On July 26, 2018, the KCSO questioned Respondent about his communication with the female driver. He was told to bring the citations that were located at his residence and that he had not yet submitted. Respondent brought only one citation, the one associated with the lone driver on the unrelated traffic stop. Respondent admitted that he disposed of the other two citations, that he had contacted the female driver on

Facebook, and that those messages became sexual in nature. Respondent claimed that he destroyed the citations for the female and her male travel companion because he did not know what was going to happen with his job. However, he did not destroy the third citation issued the same day, and ultimately submitted it for prosecution.

7. On November 21, 2018, Commission Investigator Michael Oliver interviewed Respondent. Respondent told Investigator Oliver that he dismissed the tickets for the male and female travel companions because the court dates were approaching, he did not know what his future with the KCSO was going to be, and that he was uncertain of the court process. However, at the time Respondent destroyed the two citations, he was serving a two-day suspension for the unrelated investigation. Therefore, he was aware that the KCSO was disciplining him on the other matter, not terminating him. Respondent admitted to Investigator Oliver his communication with the female driver and dismissal of her ticket constituted unprofessional conduct under the Kansas Law Enforcement Training Act.

CONCLUSIONS OF LAW

Unprofessional Conduct

8. 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.
9. K.A.R. 106-2-3(e) defines unprofessional conduct as taking, threatening to take, or failing to take action as an officer if the action is or reasonably would appear to be motivated by a familial, financial, social, sexual, romantic, physical, intimate, or emotional relationship.

10. K.A.R. 106-2-3(h) defines unprofessional conduct as exploiting or misusing the position as an officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship.
11. Respondent conducted a traffic stop on a female driver and issued her a citation. Respondent later contacted the driver using information he gained during the stop, thereby misusing his position as an officer to establish a social, sexual, or romantic relationship with her. Respondent communicated with the driver in a romantic and sexual way, ultimately scaring her enough to report his conduct to the KCSO. Respondent dismissed the female's citation, and one for her travelling companion, in an attempt to establish a social, sexual or romantic relationship with her. Although Respondent claimed he dismissed the tickets because he did not understand the court process and was uncertain of his future with the department, his failure to dismiss a third citation issued the same day, coupled with Respondent's communication with the female, demonstrate his true motivation. Respondent admitted to Investigator Oliver that his conduct with the female and his dismissal of her citation constitutes unprofessional conduct as defined by K.A.R. 106-2-3(e)&(h).

Good Moral Character

12. 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.
13. 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.
14. 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.

15. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
16. Respondent's conduct demonstrates a lack of good moral character sufficient to warrant the public trust in him as a police officer or law enforcement officer.

Summary Proceedings

17. 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 JACOB MULLEN be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JACOB MULLEN 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 27th day of February, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

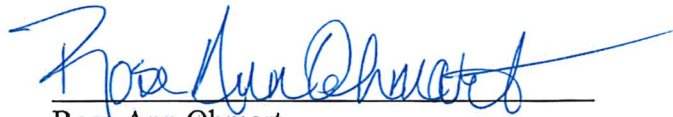
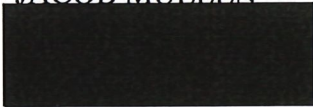
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

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 27th day of February, 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:

JACOB MULLEN



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