

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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203  
Tel (316) 832-9906 • Fax (316) 832-9679

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In the Matter of	)	
	)	
William A. Coon	)	Case No. 2015-0125
Certification #21469	)	
	)	

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**ORDER**

Now, on this 13<sup>th</sup> day of November 2020, the above-referenced matter comes for hearing by the Kansas Commission on Peace Officers Standards and Training (the Commission). Pursuant to 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: Herman Jones, Superintendent of the Kansas Highway Patrol; Kelly Herzet, Sheriff of Butler County Sheriff's Office; and Kirk D. Thompson, Director of the Kansas Bureau of Investigation.

William A. Coon appeared in person, pro se. 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 order.

Findings of Fact

1. In December 2005, the Commission issued a full-time law enforcement certification to William Coon (Coon). At that time, he was 23 years old. Coon was employed by the Grandview Plaza Police Department (GPPD) on July 9, 2014.

2. In February 2015, the Junction City Police Department (JCPD) was investigating allegations that a dispatcher made inappropriate contact or conversations with other law enforcement officers. Coon was interviewed as a potential victim or witness. Coon told the JCPD investigator a dispatcher was hitting on him but he did not identify the dispatcher and claimed he did not do anything. The dispatcher later described the conduct between herself and Coon to the JCPD. She was told to contact the GPPD about the conduct, which she did.

3. The dispatcher spoke with GPPD Detective Micah Haden. The dispatcher reported Coon used his cell phone to take and send her photographs of his erect penis

while he was in uniform and on duty. The dispatcher stated she had also received text messages of a sexual nature from Coon. Their relationship was limited to contact by cell phone; they had not had any physical contact. After she talked to Coon about the text messages, he quit sending texts to her. The dispatcher also provided Detective Haden with a flash drive depicting the pictures that Coon had sent to her and a screen shot of a telephone call she received from Coon when he pulled over on I-70 so she could listen to him climax. Coon had also told her that he met women who were on Craigslist.

4. After reviewing the photographs provided by the dispatcher, Detective Haden determined there were four photographs taken on September 11, 2014, that were consistent with the dispatcher's statement. One photograph was taken at 5:23 a.m. in a public restroom at the GPPD when Coon was on duty and in uniform. The other pictures were taken when Coon was off duty. Another detective with the GPPD found multiple Backpage and Craigslist URLs on Coon's work computer. The detective also determined Coon had used his work computer to visit other pornographic websites when he was on duty on December 24, 2014.

5. On February 11, 2015, Detective Haden interviewed Coon. He told Coon allegations were made that he sent an unsolicited picture to the dispatcher while he was on duty. Coon admitted to sending pictures of his penis but stated they were not unsolicited and he took them at home or a bathroom. He denied taking a picture at the police station or while he was on duty. When shown the pictures, Coon acknowledged that one picture was taken in the bathroom at the police department, but he did not recall taking it there. Coon also admitted he had a phone call with the dispatcher so she could listen to him climax while he was at a rest area.

6. When Detective Haden asked if he had used his work computer to look at pornographic materials, Coon stated he had because he was trying to find if there were any prostitutes operating in the area. Coon also admitted to looking at websites such as Backpage or Craigslist. He said he had also looked at specific pornographic websites because some persons who post videos on amateur porn sites also place ads on Backpage or Craigslist and he was attempting to cross reference them. Detective Haden asked Coon if his work computer would show he was viewing pornographic sites outside of an official capacity. Coon stated he also tried to contact escorts to obtain information from them, which could appear that he was trying to make a date. Coon admitted he was never authorized to conduct a prostitution investigation.

7. Detective Haden also reviewed the statements Coon made to the JCPD during its investigation involving the dispatcher having inappropriate contact or conversations with officers. Coon's statements to the JCPD did not mention sharing pictures of his genitals or calling the dispatcher while he was climaxing. Detective Haden believed Coon's statements were misleading.

8. The GPPD notified the Commission that Coon had resigned his employment on February 20, 2015, during an investigation involving misconduct. The Commission opened an investigation regarding Coon's conduct and suitability for continued certification. The Commission's investigator notified Coon of a scheduled

interview. Coon advised he was not available at that time and asked about voluntarily resigning his certification. The investigator explained the option of a consent agreement, which would result in losing his certification. Coon did not oppose this resolution, but the Commission's Investigative Committee declined to offer a consent agreement. The Investigator scheduled interview with Coon. He failed to appear for that interview.

9. On August 21, 2015, the Commission served Coon with a Summary Order of Revocation. That order determined Coon's conduct violated the following provisions of the Kansas Law Enforcement Training Act (KLETA):

a. K.S.A. 74-5616(b) – failing to meet and maintain the requirements of K.S.A. 74-5605(b)(5) (a law enforcement officer shall be of good moral character sufficient to warrant the public trust);

b. K.S.A. 74-5616(b)(7) – engaging in unprofessional conduct as defined K.A.R. 106-2-3(h) (exploiting or misusing the position as a law enforcement officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship); and

c. K.S.A. 74-5616(b)(3) – failing to cooperate in a commission investigation to determine a person's continued suitability for law enforcement certification.

Based upon these violations, the Commission revoked Coon's certification as a law enforcement officer. Coon did not request a hearing on the order.

10. On September 23, 2020, the Commission received Coon's Petition for Reinstatement of his law enforcement certification. The Commission's Investigator, George Brown, interviewed Coon regarding his petition for reinstatement. Coon admitted his statements during the 2015 investigations were wrong; he made the statements to cover up his conduct. Coon said he would have lied to the CPOST investigator in 2015 as well because he did not realize the seriousness of the situation. At that time, Coon had been diagnosed with bipolar disorder but he was not taking medication for his disorder. However, Coon contacted Brown the next day to advise his wife had reminded him that he had taken prescribed medication for his disorder in 2015. Coon said he was not making excuses, but he noticed that he felt better after he quit taking the medication, but he had not sought professional counseling. Coon acknowledged his sex addiction and stated he had changed with the help of his wife and faith.

11. On November 13, 2020, the Hearing Panel conducted a hearing on Coon's petition for reinstatement. Coon appeared pro se. The Hearing Panel took administrative notice of the Commission's agency file in this matter and admitted without objections Coon's Exhibits 1 and 2 and State's Exhibits 1 through 4.

12. Coon's wife, Veronica, testified in support of Coon's petition. After his certification had been revoked, Coon told her he no longer wanted to be a law enforcement officer. She subsequently became aware of incidents that were not included in the revocation order. Coon had not engaged in a physical relationship, but had looked at pornography. Coon told her why his certification was revoked and stated he lied because he did not want her to find out what he had done. Veronica told him she would

stay if he worked on changing. Since then, Coon became a Christian, was honest and open with her, became a better husband and father, had taken responsibility for his conduct, and advised her when he was tempted to look at pornography. She would talk with him until the temptation ceased.

13. Veronica did not believe Coon's past life reflected who he was today. Before, Coon was very private and secretive and would not talk. Now, they attended church as a family, were involved with their church, and prayed daily. Coon now reads the Bible, teaches Sunday school class, and has given a couple of sermons. She believed their marriage and family had become stronger during the last five years. Veronica was confident Coon would not revert to his past behavior. Although Coon had been unhappy working other jobs, he did so because he was working on rehabilitation. Coon's passion was working as a law enforcement officer; he became energized when he talked about it.

14. Veronica acknowledged Coon had not gone to counseling for sex addiction and claimed there were no support groups for sex addiction, but they had read books about sex addiction. Coon had become close with their pastor and another parishioner and he reached out to them for help even though neither was licensed as a counselor or therapist. If Coon was working in the middle of night and felt tempted to look for pornography, he could call her and they would discuss it.

15. Coon also testified at the hearing. He stated the parishioner was now a co-worker and they had daily contact and he contacted his former pastor through telephone calls and texts. Coon acknowledged that he continued to struggle with temptation on a regular basis—just like an alcoholic. The best help for him was his faith and being accountable; Veronica had all of his passwords and he is not on social media.

16. Coon believed his change occurred by being accountable and relying on his faith. Coon said he was good professionally as a law enforcement officer, such as taking and writing reports and handling conflicts, but he did not live up to the oath he took as a law enforcement officer. Coon knew he would be scrutinized as a law enforcement officer due to his past conduct and not being truthful about it. Coon had difficulty showing he had changed because there was no tangible evidence to prove his rehabilitation; it was a step of faith. Coon read books on counseling and addictions, both secular and faith-based. He does not call his conduct sex addiction or a disorder because he felt those terms took away his accountability; he was not a victim and wanted to take responsibility for what he did. Coon believed he was previously deficient in morality.

17. While he was a law enforcement officer, Coon's physician prescribed medication for depression and Coon did counseling. After Veronica discovered his misconduct, Coon stopped taking his medication and quit counseling. Coon believed this improved his thought process and cleared his mind, but he did not blame the medication for his conduct, as he would have 5 years ago. He changed his life by focusing on his faith and family.

18. Coon and Veronica realized that others would learn of his past conduct if his certification was reinstated, but decided what happened to Coon was a testimony.

Due to the changes in his life, Coon sees his parents regularly and spends more time with his children and Veronica. However, if he was not reinstated, Coon believed God would lead him to his path; his vocation was his third priority—God was his first priority and his family was his second priority. Coon was drawn to law enforcement because he wanted to serve his community, fight crime, resolve conflicts, and make a bad situation better.

19. Dan Trechter who is the Chief of Police for the Saint George Police Department submitted a letter in support of Coon's reinstatement. He had known Coon and Veronica for almost 4 years. Coon had acknowledged his transgressions that resulted in the revocation of his certification to Chief Trechter and provided him with a letter explaining what he had done. Coon had also professed his Christian faith and outwardly lived it. Chief Trechter stated Coon still had the passion to be a productive law enforcement officer and other law enforcement officers who knew Coon prior to the revocation of his certification vouched for him becoming a law enforcement officer again.

20. Coon's letter to Chief Trechter stated he and the dispatcher had "exchanged numerous text messages and pictures via cell phone and 'sexting'". This was sometimes during work hours while I was supposed to be on patrol." Coon acknowledged the JCPD conducted an internal investigation and found "[s]exual pictures and text messages sent by me on the dispatcher's phone . . . , including a sexual picture taken by me while on duty and in uniform." Coon stated he resigned from the GPPD to hide the details of the affair and the investigation from Veronica. When the Commission opened an investigation, Coon said he chose not to respond, which resulted in the revocation of his certification. Coon told Chief Trechter the affair with the dispatcher was not an isolated incident as he had an addiction to pornography and had used his work computer to visit websites like Craigslist to find people. Because he did not cease this activity after the revocation of his certification, Coon's wife discovered his activity, which led to him becoming a Christian and relying upon his faith to avoid his prior lifestyle.

21. Kevin Daubenspeck, a police officer with the Saint George Police Department, also provided a letter in support of Coon's reinstatement. Daubenspeck had met Coon in 2006 at the Wamego Police Department where Coon was his field training officer. Coon was very professional with the public and in performing his duties. Coon told Daubenspeck that his law enforcement certification had been revoked but he wanted to return to law enforcement. Daubenspeck stated "Coon accepts his mistakes from the past that eventually got his certification revoked and has made no excuses for his previous actions. . . . Coon has also turned his life over to Christ and has made amends with his mistakes from the past." Daubenspeck believed Coon should be given a second chance as a law enforcement officer.

#### Conclusions of Law

22. In August 2015, the Commission revoked the law enforcement officer certification that it had issued to Coon. In September 2020, Coon filed a petition for reinstatement of his certification as a law enforcement officer. A person whose law enforcement officer certification has been revoked for five or more years may petition the

Commission to have the certification reinstated. K.S.A. 74-5622(b)(1). The Commission has jurisdiction over Coon and this matter.

23. The Commission may reinstate a revoked certificate if it finds the petitioner has met two conditions. The first condition is the petitioner must meet the qualifications for certification, which are stated in K.S.A. 74-5605(b), and be sufficiently rehabilitated to warrant the public trust. K.S.A. 74-5622(b)(2). The petitioner requesting the reinstatement of a certification has the burden to establish rehabilitation by clear and convincing evidence. K.S.A. 74-5622(b)(2). "Clear and convincing evidence is evidence that shows that the truth of the asserted facts is highly probable. It is an intermediate standard of proof between a preponderance of the evidence and proof beyond a reasonable doubt." *Becker v. Knoll*, 301 Kan. 274, 276 (2015). (Internal citations omitted.)

24. K.S.A. 74-5622(b)(3) provides that, in determining whether a petitioner has been sufficiently rehabilitated to warrant the public trust, the Commission may consider any relevant evidence and the following factors:

- (A) The present moral fitness of the petitioner for performance of duties as a police officer or law enforcement officer;
- (B) the demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought upon the law enforcement profession and the administration of justice;
- (C) the extent of the petitioner's rehabilitation;
- (D) the nature and seriousness of the original misconduct;
- (E) the conduct subsequent to discipline;
- (F) the time elapsed since the original discipline; and
- (G) the petitioner's character, maturity and experience at the time of the original revocation.

The Nature and Seriousness of the Original Misconduct;  
Character, Maturity, and Experience at the Time of Revocation;  
Time Elapsed Since the Revocation;  
Demonstrated Consciousness of the Misconduct and Disrepute Which It Has Brought  
Upon the Law Enforcement Profession and the Administration of Justice;  
Extent of Rehabilitation;  
Conduct Subsequent to Revocation.

25. The nature of Coon's misconduct involved inappropriate sexual activity while on duty and in uniform. He took and sent a photograph of his genitals to the dispatcher while on duty, in uniform, and in the public restroom at the GPPD; and used his work computer to view pornographic websites while on duty. Coon's misconduct also involved dishonesty. He misrepresented his relationship with the dispatcher to the JCPD investigator; denied taking a picture of his genitals at the police station or while he was on duty; claimed he viewed the pornographic websites because he was investigating prostitution in the area; and failed to cooperate with the Commission's investigation in 2015. Coon's misconduct was serious.

26. When his certification was revoked, Coon was 32 years old and he had been a law enforcement officer for a little more than 9 years. Thus, his misconduct was not due to youthful indiscretion or inexperience. Coon's lack of maturity is shown by his failure to seek help for his sex addiction and not taking responsibility for his misconduct when it was discovered. Five years have elapsed since his certification was revoked and Coon is now 38 years old.

27. Coon acknowledged if he is reinstated his sexual misconduct will become public and he and Veronica accept this. However, this viewpoint is directed at the embarrassment that he and his family may endure, not the disrepute to the law enforcement profession or the administration of justice.

28. Coon's and Veronica's testimony focused on Coon ceasing his sexual misconduct and lies to Veronica and practicing his religion to show he had been rehabilitated. This evidence lacks a deeper understanding on how Coon's inappropriate sexual activity, dishonesty during two investigations, and failure to cooperate with the Commission's investigation in 2015 impact the law enforcement profession and the administration of justice. Rather, the extent of his rehabilitation appeared to be motivated toward changing his personal life.

29. Coon's letter to Chief Trechter lacked candor and minimized his misconduct. Coon admitted he took a "sexual picture" during work hours and while in uniform, but he did not state the picture depicted his erect penis when he was in the GPPD bathroom or state during an investigation he denied to Detective Haden that he took a picture of his penis at the police station or while he was on duty. Coon admitted he used his work computer to view pornographic websites and to find people who would engage in an affair, but he not did state that during an investigation he lied to Detective Haden by claiming the pornographic websites on his work computer was part of a prostitution investigation. Coon admitted he resigned during the GPPD's investigation to hide his misconduct from Veronica; this appears to reference his sexual activity with the dispatcher, not the false statements he made to the GPPD investigator.

30. Coon's letter to Chief Trechter indicates the only reason for the revocation of his certification was his refusal to participate in the investigation. However, there were two other reasons for the revocation – failing to maintain good moral character sufficient to warrant the public trust and engaging in unprofessional conduct by exploiting or misusing his position as a law enforcement officer to establish, a sexual, romantic, intimate, or emotional relationship. Coon's letter also does not mention the JCPD investigation. In that investigation, Coon told the investigator that a dispatcher was hitting on him but he did not identify the dispatcher and claimed he did not do anything. Thus, Coon failed to disclose to the investigator that he sent to the dispatcher pictures of his genitals and called the dispatcher while he was climaxing.

31. While he provided evidence addressing rehabilitation in his personal life, there was little evidence addressing Coon's rehabilitation in his professional life as a law enforcement officer in the past five years. Coon sought treatment for depression more than five years ago but discontinued it after his certification was revoked. Coon never

indicated he discussed his sex addiction with his counselor before discontinuing his counseling.

32. Additionally, Coon's letter to Chief Trechter showed he was not candid and forthright about his lack of honesty during the two law enforcement investigations. Similarly, Officer Daubenspeck's reference to Coon's "mistakes" is not clear that he knew the extent of Coon's sexual misconduct, his dishonest statements during the JCPD and GPPD investigations, or his refusal to cooperate with the Commission's investigation. If Coon seeks a reference from other law enforcement officers, but does not disclose all of his past misconduct to them, it is difficult to assess whether they would have made the recommendation had they been privy to all of Coon's past conduct. The lack of full disclosure shows Coon is deficient in the character traits of honesty and integrity, and accepting responsibility. As such, little evidence addressed Coon's rehabilitation in his professional life as a law enforcement officer.

33. Honesty, integrity, and cooperation are essential traits for law enforcement officers, especially during law enforcement investigations involving suitability as a law enforcement officer. 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). The evidence did not show that rehabilitation for a sex addiction or dishonesty can occur by reading books without having professional assistance.

#### Present Moral Fitness for Performance as an Officer.

34. The minimum qualifications for a certification as a law enforcement officer require that the person "be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer." See K.S.A. 74-5605(b)(5). This qualification is, in essence, the first consideration listed in K.S.A. 74-5622(b)(3)(A) regarding the "present moral fitness of the petition for performance of duties as a police officer law enforcement officer."

35. 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.

36. 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).

37. Coon acknowledged he had betrayed his oath while he was certified as a law enforcement officer. He lacked honesty, integrity, and character, failed to hold himself accountable for his misconduct, and failed to uphold the agency that he served. However, the question currently before the Commission is his present moral fitness for performance as a law enforcement officer.

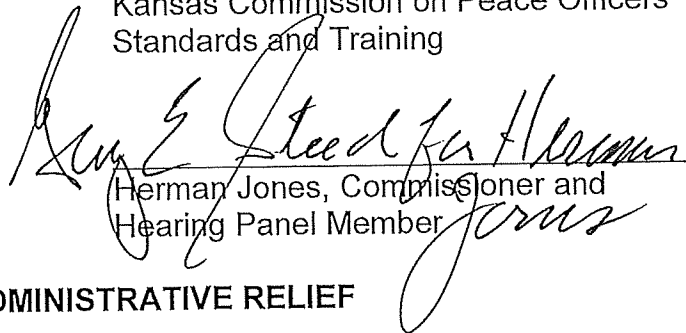
38. Paragraphs numbered 25 through 33 above are incorporated herein. Coon's misconduct involved inappropriate sexual activity while on duty, in uniform, and at a police department restroom; he made misrepresentations during investigations by two different law enforcement agencies; and he failed to cooperate with the Commission's investigation. While it is laudable that he has taken the steps to improve his relationship with his wife and family, there is scant evidence that those steps have rehabilitated his professional character as a law enforcement officer. Rather, the evidence indicates that he still lacks integrity and honesty and fails to hold himself accountable for his actions as a law enforcement officer.

39. When considered in its totality, the Commission determines that Coon has not shown by clear and convincing evidence that during the past five years he has been sufficiently rehabilitated to warrant the public trust and that his petition for reinstatement of his law enforcement certification should be denied.

#### Order

It is the decision and order of the Commission that the petition filed by William A. Coon for reinstatement of his revoked certification should be and is hereby denied.

Kansas Commission on Peace Officers'  
Standards and Training



Herman Jones, Commissioner and  
Hearing Panel Member

#### **NOTICE OF ADMINISTRATIVE RELIEF**

The above Order is a final order. Pursuant to K.S.A. 2020 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. 2020 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

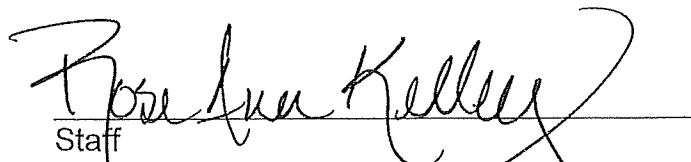
This is to certify that on this 31<sup>st</sup> day of December 2020 a copy of the above Order and Notices was deposited in the United States mail, first-class postage prepaid, and addressed to:

William A. Coon



I further certify that on the same day a copy of the above Order and Notices was 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

  
Staff  
Kansas Commission on Peace Officers'  
Standards and Training