



**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

In the Matter of)	
)	
JAMES MCCANN)	Case No. 2020-0234
#29290)	
_____)	

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Commission action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of JAMES MCCANN (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 29290.
2. Respondent was employed as a full-time law enforcement officer with the Hugoton Police Department (HPD) from April 28, 2018, to March 1, 2021.
3. On April 17, 2020, TC walked out of a convenience store. Respondent was waiting in the parking lot. Respondent was on-duty and dressed in his HPD uniform. Respondent approached TC, told her she was under arrest, handcuffed her, and placed her in the back of his patrol vehicle. Respondent transported TC to the residence of his friend, Brent Peitz

(Peitz). Peitz was doing a ride-a-long with Respondent at the time and rode in the front passenger seat of the patrol vehicle. After arriving at Peitz' residence, Respondent removed the handcuffs from TC and left her with Peitz.

4. On October 31, 2020, KK was driving on Main Street in Hugoton. She received a call from Peitz, who told her to just "go with it." KK did not understand what Peitz meant but noticed police emergency lights behind her. KK pulled over at a local business and was approached by Respondent, who was on-duty and dressed in his HPD uniform. Respondent told KK that he had some questions for her and asked her to get out of her vehicle. KK complied. Respondent told KK that he would "write off" the stop as if she had been speeding. KK was not issued a citation for speeding. Respondent asked KK about her relationship with her boyfriend. Respondent then placed KK in handcuffs, placed her in the backseat of his patrol vehicle, and transported her to another location where Peitz met them. Respondent briefly spoke to Peitz then let KK out of the patrol vehicle. Respondent removed the handcuffs from KK and left her with Peitz.
5. A criminal investigation was opened based on Respondent's conduct on April 17 and October 31, 2020. In an interview, Respondent admitted that he had placed both TC and KK in handcuffs and transported them on the above dates, respectively. Respondent admitted that neither TC nor KK had committed any crime before being handcuffed and transported in his patrol vehicle.
6. Based on Respondent's actions as enumerated in paragraphs three and four, he was criminally charged in the District Court of Stevens County, Case Number 21-CR-4, with two counts of Criminal Restraint, contrary to K.S.A. 21-5411. On June 7, 2021, Respondent entered a Diversion Agreement and stipulated to the following facts: On April 17, 2020, the named Defendant, within the above named County in the State of Kansas, then and there being, unlawfully and knowingly and intentionally and without legal authority restrained [TC] against her will as to interfere substantially with her liberty in violation of KSA 21-5411. On October 31, 2020, the named Defendant, within the above named County in the State of Kansas, then and there being, unlawfully and knowingly and

intentionally and without legal authority restrained [KK] against her will as to interfere substantially with her liberty in violation of KSA 21-5411.

CONCLUSIONS OF LAW

Criminal Conduct

7. 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.
8. 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.
9. Respondent's conduct constitutes 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. Respondent's conduct constitutes criminal restraint.

Good Moral Character

10. 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.
11. 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.

12. 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.
13. Respondent's conduct shows that he lacks the personal qualities of integrity, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

14. 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 the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of JAMES MCCANN be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JAMES MCCANN 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 2nd day of November, 2021.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

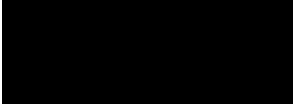
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

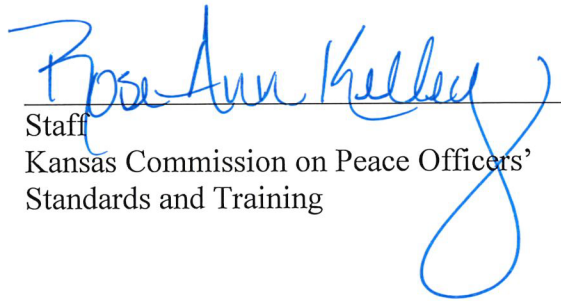
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 3rd day of November, 2021, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, postage prepaid, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

JAMES MCCANN





Staff
Kansas Commission on Peace Officers'
Standards and Training