



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

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In the Matter of)
)
JESSE NIEMETH) **Case No. 2020-0232**
 #26970)
_____)

SUMMARY ORDER OF REPRIMAND

Pursuant to K.S.A. 77-537

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

STATEMENT OF FACTS

1. Respondent holds a full-time law enforcement certification from the Commission, certification number 26970.
2. Respondent was employed as a full-time law enforcement officer with the Topeka Police Department (TPD) from September 17, 2012, to December 16, 2020.
3. On October 11, 2020, Respondent responded to a disturbance call in which the suspect allegedly hit his mother in the face and pushed her to the ground. The suspect was detained, handcuffed, and placed in a patrol vehicle. The

suspect's mother indicated that she suspected her son had been drinking and using methamphetamine that day. She also volunteered that the suspect has mental health issues. The suspect was uncooperative with officer questions regarding the domestic incident with his mother. The suspect was quarrelsome at times and refused to speak at others. The suspect confronted Respondent and made comments about being able to "whoop" him. Respondent verbally engaged with the suspect and eventually lost control. Respondent approached the suspect and grabbed his throat for approximately two seconds.

4. After the incident, Respondent recognized that his actions were wrong, and he self-reported his behavior to the TPD. Respondent indicated that he had been experiencing issues in his personal life [REDACTED]
5. Based on the incident from October 11, 2020, Respondent was criminally charged in the Shawnee County District Court with mistreatment of a confined person and battery. At the conclusion of a jury trial in May 2021, the jury returned a not guilty verdict on both counts.

CONCLUSIONS OF LAW

Unprofessional Conduct

6. 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.
7. K.A.R. 106-2-3(f) defines unprofessional conduct as using excessive physical force in carrying out a law enforcement objective. As used in this subsection, physical force shall be deemed excessive if it is greater than what a reasonable and prudent officer would use under the circumstances.

8. Respondent used excessive physical force against a suspect on October 11, 2020. He admitted to losing control and grabbing a suspect who was handcuffed and secured in a patrol vehicle. Respondent's use of force to the suspect was greater than what a reasonable and prudent officer would use under the circumstances.

Summary Proceedings

9. 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.

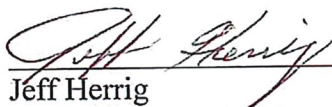
ORDER

Based on the Statement of Facts and Conclusions of Law, the Commission orders that a REPRIMAND be issued to JESSE NIEMETH.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING HEREBY REPRIMANDS JESSE NIEMETH.

DATED this 17th day of November, 2021.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

NOTICE OF RELIEF FROM THIS SUMMARY ORDER

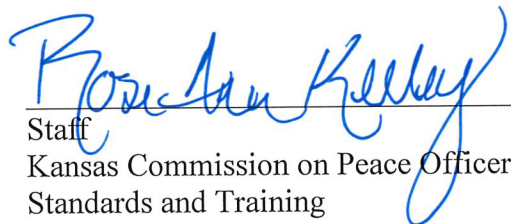
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 17th day of November, 2021, a true and correct copy of the above and foregoing Summary Order of Reprimand was deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid with tracking, addressed to:

JESSE NIEMETH





Staff
Kansas Commission on Peace Officers'
Standards and Training