

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

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In the Matter of            )  
  )  
**Robert Arnall**                )  
                  Cert. No. 20122    )

**Case No. 2019-0170**

**ORDER**

Now, on this 2nd day of December 2020, 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: Kirk D. Thompson, Director of the Kansas Bureau of Investigations; Herman Jones, Superintendent of the Kansas Highway Patrol; and Kelly Herzet, Sheriff of the Butler County Sheriff's Office.

Robert Arnall appeared in person, pro se. The Commission was represented by Michelle Meier, Special Assistant Attorney General, who serves as its litigation counsel. Also present was Janet Arndt and Laine Barnard, Assistant Attorneys General who serve as legal counsel to the Hearing Panel in this matter.

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. Robert Arnall (Arnall) received his certification as a law enforcement officer on November 10, 2006. He obtained employment as a full-time law enforcement officer with the Pittsburg Police Department (PPD). Arnall was employed with the PPD from December 1, 2005, until May 9, 2019.

2. The Commission received a Notice of Termination concerning Arnall's employment with the PPD. Based upon this Notice, the Commission initiated an investigation to determine whether Arnall had violated the Kansas Law Enforcement Training Act (KLETA).

3. Based upon the information received, the Commission's Investigation Committee determined Arnall had committed the following violations of the KLETA: (1) engaged in unprofessional conduct by intentionally using a false or deceptive statement in an official document or official communication, (2) failed to cooperate in an investigation by the Commission to determine an officer's continued suitability for law enforcement certification, and (3) failed to maintain the certification requirement of good moral character. Based upon these violations, the Investigative Committee issued a Summary Order of Revocation that revoked Arnall's certification as a law enforcement officer. Arnall requested a hearing on the order.

4. The hearing was held on December 2, 2020. Arnall appeared in person, by video, pro se. Arnall was advised of his right to an attorney and indicated he wished to proceed pro se. Arnall was also advised of his right to present evidence, present witnesses and admit exhibits. All witnesses were sworn prior to testifying and the Commission admitted the parties' stipulated exhibits, which included State's exhibits 1 through 4 and 7 through 26 and Respondent's exhibits 1 and 2. During the hearing, the State's exhibits 5 and 6 were also admitted.

#### Evidentiary Hearing

5. In 2013 rumors circulated within the PPD that Arnall was having an affair with a dispatcher, Amanda Alt. Arnall was also spending a significant amount of time in Alt's work area.

6. At that time, Major Melanie Schaper, who was Arnall's supervisor, addressed the rumors with Arnall. Arnall adamantly denied having an affair with Alt. Major Schaper counseled Arnall to avoid spending too much time in Alt's work area.

7. In March of 2014 Major Schaper again heard rumors that Arnall was spending too much time in Alt's work area, having an affair with Alt, and advising his shift officers not to make car stops while Alt was working so she would not be busy. Major Schaper again spoke with Arnall about the rumors and he adamantly denied having an affair with Alt. Major Schaper documented her 2013 and 2014 contacts with Arnall in a memorandum dated April 14, 2014. (State's exhibit 1.) Based on Arnall's denials, Schaper did not do any further investigation or discipline.

8. On April 18, 2019, Arnall contacted Major Schaper about an ongoing situation with Alt. Arnall advised Alt was harassing him, his family and his friends. He described harassing text messages and Facebook messaging as well as stalking behavior and a belief that Alt had damaged a family vehicle. Schaper told Alt's supervisor about Arnall's claims and sent his claims to Internal Investigations.

9. Lieutenant Ben Henderson of the PPD was assigned the investigation of Arnall's claims against Alt. On April 18, 2019, he recorded his interview with Arnall about Alt's behavior. (State's exhibit 3.) During the interview Arnall indicated the harassing behavior by Alt had been occurring since 2016. Arnall stated he and Alt had been friends

for years and again denied ever having a romantic relationship with Alt. Arnall described their relationship as social in nature, but Alt wanted more. When he refused, Alt began the harassment.

10. Lieutenant Henderson also interviewed Alt. She admitted to portions of Arnall's complaints about her. In addition, Alt indicated she had been in a sexual and romantic relationship with Arnall between 2008 and 2018. She claimed they had a steady sexual relationship, took overnight trips together to Kansas City and Branson, and had planned a cruise together. Alt also gave Lieutenant Henderson photographs and text messages that she believed supported her statements. Alt said Arnall told her that he had lied to Major Schaper about their relationship. Lieutenant Henderson had not known Schaper had talked with Arnall about his relationship with Alt.

11. On April 19, 2019, after speaking with Alt, Lieutenant Henderson recorded a second interview of Arnall. (State's exhibit 4.) During this interview Arnall admitted to a sexual relationship with Alt and taking trips with her to Kansas City and Branson. When asked about Alt's description of a 10-year sexual relationship Arnall responded, "In my rut at some point in time there was a relationship and I'm not going to doubt that. I don't know how you'd describe it." (1:15.) Arnall also stated, "I'm not going to say there wasn't a relationship there." (1:44.) Lieutenant Henderson then asked, "Fair to say you guys had a sexual relationship but a long time ago, several years ago? Like Obama still President like long time ago?" to which Arnall responded, "Yea, it's been...man, I don't know..." (2:04.) However, Arnall was adamant their sexual relationship occurred before 2014. Lieutenant Henderson described Arnall's statements about the dates of his affair with Alt as evasive.

12. On April 30 or May 1, 2019, Lieutenant Henderson contacted Alt again so that he could establish a time line on the photographs and screenshots of texts she gave him. The texts between Alt and Arnall occurred in 2018. (Exhibit 5.) In the texts dated November 3, Alt asked Arnall if he had good or bad thoughts of her and if he missed her. Arnall responded he had good and bad thoughts of her and he missed her. The other texts had Arnall's work cell number at the top and were sent in February 2019. Alt told Arnall she missed him and asked if he still had her blocked. Lieutenant Henderson explained that Alt texted Arnall on his work cell phone after Arnall had quit texting her on his personal cell phone. Alt texted Arnall she wanted him back, asked if he wanted to see and talk to her, said she wanted to hug and kiss him and rub his back, and told Arnall that she loved him. Lieutenant Henderson believed the texts corroborated Alt's statements.

13. The photographs Alt provided showed Arnall and Alt lying in bed together during their trip to Kansas City in October 2014. The pictures of Arnall and Alt having drinks and standing outside of a limousine were taken during another out-of-town trip in 2015. Alt's bank records confirmed the dates of the trips they had taken. One of the trips occurred over Valentine's Day. The picture of Arnall standing next to a door was taken at her residence in November 2016. The two pictures of Arnall carving a pumpkin were taken in October 2016 at Alt's residence. The last two photographs depicted

bouquets of flowers that Arnall sent to Alt; one bouquet she received in 2014 and the other for Mother's Day in 2015 or 2016.

14. Alt told Lieutenant Henderson her relationship with Arnall ended because she felt he was leading her on. Arnall had told her that he would divorce his wife so that they could be together. However, Arnall was worried about Major Schaper discovering their relationship.

15. After completing its investigation, the PPD terminated Arnall's employment as a law enforcement officer and notified the Commission of Arnall's change of status. The Commission assigned Arnall's case to Investigator Don Read (Read). In a letter dated July 25, 2019, Read notified Arnall that he had scheduled an interview for August 21, 2019, at the Commission's office. One week prior to scheduled interview Arnall left a voicemail advising he could not make the interview and he would ask his new employer when he could have time off from work. When he received no response, Read called Arnall again on October 17, 2019, and Arnall advised he had a new job and he would call at the end of the month, which he did not do. When Read called on November 13, 2019, Arnall said he could not get off work until January. When Arnall did not contact him, Read left voicemails on February 6, 19, and 27, 2020.

16. On February 27, 2020, Read sent two letters to Arnall advising he had scheduled an interview for March 19, 2020, at the Commission's office. Arnall received the letter sent by priority mail on February 29, but failed to claim the letter sent by restricted mail. However, due to COVID-19, Arnall was later notified this interview had been cancelled and he would be contacted later. On July 9, 2020, Read again sent two letters to Arnall advising him he had scheduled an interview for August 13, 2020, at the Commission's office. Arnall received the letter sent by priority mail on July 13 but failed to claim the letter sent by restricted mail. Arnall did not appear for the interview scheduled for August 13, 2020. On September 2, 2020, Read sent an email to Arnall asking him to advise if he wanted to do the interview or proceed without it. Arnall did not reply.

17. While testifying at the hearing, Arnall denied ever having a sexual relationship or an affair with Alt. He described their relationship as friendly and social in nature. Arnall claimed his relationship with Alt went awry after he refused Alt's requests for a sexual relationship. He believed Alt claimed they had a sexual relation from 2008 to 2018 because he had gotten her into trouble. Arnall testified his statements to Lieutenant Henderson on April 19 were based on his belief that he and Alt had a "borderline romantic" relationship because Alt wanted a sexual relationship with him when he was separated from his wife in late 2015.

18. Arnall did not deny that the photographs of him and Alt were taken in a bed at a hotel room but claimed Alt took the photographs to make an ex-boyfriend jealous. Arnall said he and Alt went on a shopping trip to Kansas City as friends. However, Arnall was unable to drive because he drank too much alcohol, which necessitated the need for an overnight stay, but he and Alt had separate rooms.

19. Arnall's exhibit 1 showed his email exchange with Read. Read emailed Arnall on February 27, 2020, indicating he had left Arnall a couple of messages and was going to set the interview for March 19, 2020. Arnall responded to Read on February 28, 2020, indicating his phone had been shut off, and asked for a phone interview due to a lack of paid time off at his new job. Arnall believed Read could conduct the interview by telephone. Arnall's exhibit #2 was a photograph of a text message sent May 19, 2016, stating "I will ruin you." Arnall testified Alt sent this text message to him.

#### Conclusions of Law

20. The Commission issued a law enforcement certification to Robert Arnall. The KLETC authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who commits a violation under subsection (b) of K.S.A. 2020 Supp. 74-5616. The Commission's Investigative Committee subsequently issued an order revoking Arnall's certification after concluding he had violated three provisions under K.S.A. 2020 Supp. 74-5616(b), and Arnall requested a hearing on that order. The Commission has jurisdiction over Arnall and the subject matter of this hearing.

#### Unprofessional Conduct

21. The KLETA authorizes the Commission to suspend, condition, or revoke the certification of a police officer or law enforcement officer who engages in unprofessional conduct as defined by the Commission in a regulation. K.S.A. 2020 Supp. 74-5616(b)(7). The definition of unprofessional conduct includes intentionally using a false or deceptive statement in any official document or official communication. K.A.R. 106-2-3(j)(1).

22. The PPD conducted two separate investigations regarding the relationship between Arnall and Alt. The first investigation was conducted by Major Schaper. In late 2013 and again in March 2014, Major Schaper asked Arnall if he was having an affair with Alt. During both interviews with Major Schaper, Arnall adamantly denied ever having an affair with Alt.

23. The other PPD investigation was conducted by Lieutenant Henderson regarding Arnall's report of harassing behavior by Alt. On April 18, 2019, Arnall told Lieutenant Henderson he had never been romantically involved with Alt and described their relationship as social. Afterwards Henderson interviewed Alt who told him she and Arnall had a sexual relationship from 2008 through 2018 and had traveled overnight on several occasions, one trip occurring on Valentine's Day. To support her claim, she provided Henderson with photographs and screenshots of text messages between herself and Arnall. Alt also told Henderson that Arnall feared Major Schaper would discover he had lied to her about his relationship with Alt. No other evidence indicated how Alt would know about Arnall's conversation with Schaper unless Arnall had told her.

24. The photographs and texts supported Alt's claim of a sexual relationship between her and Arnall. The photographs showed Arnall and Alt laying in a hotel bed,

having drinks, and standing next to a limousine. The pictures also showed Arnall inside and outside of Alt's residence and flowers that Arnall sent to Alt. Text messages between Alt and Arnall depicted the remnants of a romantic relationship.

25. On April 18, 2019, Lieutenant Henderson interviewed Arnall again. Henderson asked Arnall "Fair to say you guys had a sexual relationship but a long time ago, several years ago? Like Obama still President like long time ago?" to which Arnall responded "Yea, it's been...man, I don't know..." Lieutenant Henderson believed Arnall's answers about the dates of the sexual relationship were evasive. At the hearing, Arnall gave sworn testimony where he repeatedly denied having a sexual relationship with Alt. Arnall attempted to walk back his statement to Henderson by claiming he believed his relationship with Alt could be described as "borderline romantic" because she wanted a sexual relationship with him, but he refused. Contrary to Arnall's testimony, Lieutenant Henderson did not refer to a "romantic" relationship, but a "sexual relationship," to which Arnall responded in the positive. Arnall lacks credibility.

26. Based upon the totality of the evidence, the Commission determines that there is clear and convincing evidence to show Arnall had a sexual relationship with Arnall, but he denied such relationship on multiple occasions during two separate PPD investigations. The Commission further determines that these false statements to Major Schaefer and Lieutenant Henderson were intentional.

27. The Commission concludes that Arnall violated K.S.A. 2020 Supp. 74-5616(b)(7) as defined in K.A.R. 106-2-3(j)(1) by engaging in unprofessional conduct when he used intentional false statements in an official communication.

#### Failing to Cooperate in an Investigation by the Commission

28. The Commission is also authorized to suspend, condition, or revoke the certification of a police officer or law enforcement officer who provides false information or otherwise fails to cooperate in an investigation conducted by the Commission to determine an officer's continued suitability for law enforcement certification. K.S.A. 2020 Supp. 74-5616(b)(3).

29. Commission Investigator Don Read determined an interview with Arnall was necessary to determine his continued suitability for law enforcement certification. Investigator Read initially mailed Arnall notice of an interview scheduled for August 21, 2019. Arnall contacted Read and requested to reschedule the interview due to his lack of vacation time with his new employer. Read acquiesced. Read and Arnall exchanged phone calls as Read attempted to reschedule the interview to accommodate Arnall. Arnall then ceased communicating with Read.

30. Due to Arnall's failure to communicate with Read regarding an agreeable interview date, Read scheduled an interview for August 13, 2020. Read mailed notice of this interview date to Arnall via USPS and certified mail. The certified letter was

unclaimed and returned to Read. Arnall failed to appear for the August 13, 2020, interview. Arnall's last contact with Investigator Read was November 13, 2019.

31. In attempting to schedule the necessary interview, Investigator Reed took the following actions: phoned Arnall eight times, emailed Arnall twice, and sent three letters via USPS and certified mail. Despite all of these attempts, Arnall responded to Read on February 28, 2020, advising his phone had been shut off and asking for a phone interview due to a lack of paid time off at his new job. Arnall believed Read could conduct the interview by telephone rather than in person. In other words, Arnall wanted to determine how the Commission should conduct its investigation.

32. Based upon the totality of the evidence, the Commission determines that that there is clear and convincing evidence to show Arnall intentionally failed to cooperate in the Commission's investigation to determine his continued suitability for law enforcement certification and that Arnall's failure to cooperate resulted in Read's inability to complete the Commission's investigation.

33. The Commission concludes that Arnall violated K.S.A. 2020 Supp. 74-5616(b)(3) by failing to cooperate in an investigation by the Commission to determine his continued suitability for law enforcement certification.

#### Failure to Maintain Certification Requirement of Good Moral Character

34. The Commission is authorized to suspend, condition, or revoke the certification of a police officer or law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605 and amendments thereto. K.S.A. 2020 Supp. 74-5616(b)(1). One requirement for certification as a law enforcement officer is good moral character sufficient to warrant the public trust. K.S.A. 2020 Supp. 74-5605(b)(5).

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. 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).

38. 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.

39. The Commission hereby incorporates by reference the paragraphs numbered 21 through 33 above. Those paragraphs show Arnall's conduct clearly demonstrated a lack of good moral character sufficient to warrant the public trust in the following respects:

A. Arnall lacked the personal traits of honesty and integrity each time he made an intentional false statement to Major Melanie Schaper and Lieutenant Ben Henderson during their separate investigations.

B. At the hearing, Arnall gave sworn testimony that was contrary to the evidence presented and to his own previous statement to Lieutenant Henderson admitting his sexual relationship with Alt. With the multiple false statements to Major Schaper and Lieutenant Henderson, in addition to his testimony, Arnall lacks credibility as a law enforcement officer.

C. Arnall failed to uphold the oath required for certification by failing to have the courage to hold himself accountable for his actions during each interview with Major Schaper and Lieutenant Henderson and his intentional refusal to cooperate with Read during the Commission's investigation into Arnall's suitability for certification as a law enforcement officer.

40. Based upon the totality of the evidence, the Commission determines that there is clear and convincing evidence to show Arnall has failed to maintain the requirements for certification as a law enforcement officer, specifically good moral character sufficient to warrant the public trust.

41. The Commission concludes that Arnall violated K.S.A. 2020 Supp. 74-5616(b)(1) by failing to maintain good moral character sufficient to warrant the public trust as required in K.S.A. 2020 Supp. 74-5605(b)(5).



Sanction

42. The Commission has concluded that Arnall has violated three provisions of the KLETA. First, Arnall engaged in unprofessional conduct by intentionally making false statements in an official communication, thereby violating K.S.A. 2020 Supp. 74-5616(b)(7) as defined in K.A.R. 106-2-3(j)(1). Second, Arnall failed to cooperate in an investigation by the Commission to determine an officer's continued suitability for law enforcement certification, thereby violating K.S.A. 2020 Supp. 74-5616(b)(3). Third, Arnall failed to maintain the requirements for certification as a law enforcement officer, specifically the requirement in K.S.A. 2020 Supp. 74-5605(b)(5) of "good moral character sufficient to warrant the public trust," thereby violating K.S.A. 2020 Supp. 74-5616(b)(1).

43. Although there was no evidence showing he had been previously disciplined, Arnall's conduct strikes at the core of being certified as a law enforcement officer—failing to maintain good moral character sufficient to warrant the public trust; making false statements during official communications during the investigations by the Pittsburg Police Department; and failing to cooperate with the Commission's investigation into Arnall's continued suitability for certification as a law enforcement officer. Such conduct erodes the public confidence in law enforcement officers.

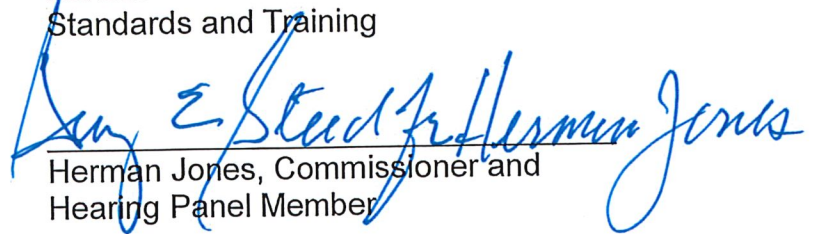
44. Based upon the above violations, separately and collectively, the Commission concludes that the revocation of the law enforcement officer certification issued to Robert Arnall should be warranted.

**ORDER**

WHEREFORE, after consideration of the above findings and conclusions, it is the decision and order of the Commission that the law enforcement officer certification issued to Robert Arnall should be revoked. It is the further decision and order of the Commission that Robert Arnall 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 IS SO ORDERED.

Kansas Commission on Peace Officers'  
Standards and Training

  
Herman Jones, Commissioner and  
Hearing Panel Member

## NOTICE OF ADMINISTRATIVE RELIEF

The above Order revoking the certification as a law enforcement officer issued to Robert Arnall 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.

## 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 reconsideration, a petition for stay of effectiveness, or a petition for judicial review on behalf of the Commission is:

Gary E. Steed, Executive Director  
Kansas Commission on Peace Officers'  
Standards and Training  
1999 N. Amidon, Suite 350  
Wichita, KS 67203.

**CERTIFICATE OF SERVICE**

This is to certify that on this 27<sup>th</sup> day of January 2021 a copy of the above Order and Notices were deposited in the United States mail, first-class postage prepaid, and addressed to:

Robert M. Arnall



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

  
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Staff  
Kansas Commission on Peace Officers'  
Standards and Training