

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

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In the Matter of)	
)	
BRADLEY WILLIAMS)	Case No. 2020-0221
Certification No. 26235)	
)	

ORDER

Now, on this 5th day of August 2022, 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 Thompson, Director of the Kansas Bureau of Investigation, Herman Jones, Superintendent of the Kansas Highway Patrol and Don Scheibler, Chief of the Hays Police Department.

Bradley Williams appeared in person and with counsel, James Jarrow. Michelle Meier, Special Assistant Attorney General, who serves as its litigation counsel, represented the Commission. Also present was Laine Barnard, Assistant Attorney General who serves as 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. Bradley Williams (Williams) received his certification as a law enforcement officer on July 15, 2011. He was employed by the Douglas County Sheriff's Office (DCSO) from March 7, 2011 until May 9, 2017. Williams was then employed as a law enforcement officer with the Lawrence Police Department (LPD) from May 15, 2017 until January 6, 2021.

2. The Commission received a complaint regarding Williams' conduct in two separate incidents while Williams was employed by the LPD. The Commission began an investigation regarding the complaint. During the Commission's investigation, on January 6, 2021, Williams resigned from the LPD. Based upon the complaint and the circumstances surrounding Williams' separation for LPD, the Commission began an

investigation to determine whether Williams violated the Kansas Law Enforcement Training Act (KLETA).

3. After the investigation was complete, the Commission's Investigative Committee issued a Summary Order of Revocation. The Investigative Committee determined Williams had committed the following violations of the KLETA: (1) engaged in racial or other biased-based policing and (2) failed to maintain good moral character sufficient to warrant the public trust. See K.S.A. 74-5616(b). Based upon these violations, the Investigative Committee revoked Williams' certification as a law enforcement officer. Williams timely requested a hearing on the Summary Order of Revocation.

Hearing

4. On August 14, 2020 Lawrence Police Chief Anthony Brixius (Brixius) received information from then Douglas County Sheriff Elect Jay Armbrister (Armbrister) regarding Williams, then a Lawrence Police Department officer, formerly a Douglas County Sheriff's deputy. Armbrister expressed concerns related to Williams targeting young college age females during self-initiated activities, typically related to alcohol enforcement. Armbrister further advised he had suspicions of similar conduct while Williams was employed by the DCSO. Based upon the information provided by Armbrister, LPD began an internal investigation. LPD's Office of Professional Standards Lieutenant Mark Unruh (Unruh) conducted the investigation.

5. Unruh first looked at citations and warnings written by Williams during his employment with LPD, from May 15, 2017 until September 14, 2020. Unruh broke the data down into five age groups categories and male and female categories. The data showed 52% of citations written by Williams were issued to females and 48% were issued to males. Based upon this initial data Unruh was unable to determine a specific area of concern.

6. Unruh next focused on self-initiated (versus dispatched) alcohol probable cause arrests made by Williams during his employment with LPD. The data showed Williams arrested 230 individuals for Operating Under the Influence (OUI). 147 (64%) of arrestees were female and 83 (36%) were male. The data further showed Williams issued 85 Notices to Appear during self-initiated Minor in Possession (MIP) bar checks. 84 (99%) were issued to females and 1 (1%) was issued to a male.

7. Based upon the large discrepancy, Unruh looked at data from three other LPD officers that were heavily involved in OUI and MIP enforcement as well as the LPD as whole.

8. Department-wide data (including Williams' citations) showed 75% of MIP bar check citations were written to females and 25% to males. Williams' individual data showed he wrote 99% of MIP citations to females and 1% to males. Unruh then removed Williams, data from the department wide data and it showed the LPD, not

including Williams wrote 56% of MIP citations to females and 44% to males.

9. Department-wide data (including Williams' citations) showed 35% of OUI arrests involved females and 65% involved males. Williams' individual data showed 62% of his OUI arrests involved females and 38% were males. Unruh then removed Williams data from the department wide data and it showed that 27% of the individuals arrested for OUI were females and 73% were males. In collecting this data set Unruh was unable to filter only self-initiated arrests.

10. Unruh compared Williams' and LPD's agency statistics with national data collected and maintained by the Federal Bureau of Investigations (FBI). In 2018, FBI data showed 74.5% of OUI arrests were male and 25.5% were female. Unruh noted that the LPD data, without Williams' data, was almost identical to the FBI data with a variance of only 1.5%.

11. During Williams' employment with the DCSO concerns were also raised regarding the volume of female arrests versus male arrests. In 2016 after learning of the concerns, then Captain Bucholtz (Bucholtz) asked Williams' supervisors to look into his arrest data. The data showed Williams' arrested 55% women and 45% male during self-initiated encounters. At the time national and DCSO arrest averages were 74% males and 26% female. Douglas County noted the difference however did not find the data to be "totally egregious". Lt. Lyle Hagenbuch made Williams aware of the data collected. Williams told Hagenbuch he has no intent to arrest more females than males.

12. The concerns raised during Williams' employment with DCSO came from several sources. One source was related to Williams' enforcement at adult entertainment clubs. [REDACTED] a female dancer at one of the clubs made three complaints against Williams based upon Williams stopping her twice and an evening where she believed he was following her. The first stop, on August 8, 2016 resulted in her arrest for OUI of drugs. The charge was later dismissed. Williams was a certified drug recognition expert (DRE), an officer who has received specialized training on the detection of impairment due to drug use. The second stop, on August 25, 2016 occurred when [REDACTED] failed to signal a lane change. [REDACTED] was asked to exit her car and Williams conducted the horizontal gaze nystagmus test, a field sobriety test. After the test [REDACTED] was released with a verbal warning for the lane change violation. The third complaint was made on September 12, 2016 regarding the incident where she believe Williams was following her. She described feeling stalked, harassed and was scared to go to work because Williams might stop her again and take her to jail. [REDACTED] described how female coworkers had similar concerns regarding Williams and that a message was written on a club restroom stall that if you had issues with Williams to contact his supervisor and listed the supervisor's name and phone number. After the third [REDACTED] complaint, Armbrister spoke with Williams and told him to stay away from [REDACTED] and her place of employment. Williams indicated he understood and said he would "lay low" for a while.

13. Officer Kacey. Wiltz (Wiltz), a female LPD officer worked the same shift

and also an overlapping shift with Williams. She noticed he overwhelmingly stopped more females than males. Her observations were based on radio traffic, citation data and conversations with other officers. At one point Wiltz and another female officer, Narissa Dunn (Dunn), looked at data in LPD's citation tracking software over a month period. The informal review showed Williams was stopping 10 females for every male. Wiltz described not recalling ever backing Williams on a stop involving a male, only females. Wiltz indicated she and other officers had concerns acting as a backing officer for Williams, that they were unsure of the validity his stops and did not want to be involved.

14. Officer Kennedy (Kennedy) was a female LPD officer during Williams' employment with DSCO. Within approximately a year's time, beginning in March of 2014 Kennedy was stopped four times by Williams. Kennedy was not cited as a result of any of the stops. During the first stop Kennedy describes traveling 8-10 miles over the speed limit. Williams was a field training officer and had a trainee with him who noticed her police gear in her vehicle and no enforcement action was taken. The second stop occurred when she was traveling 10 miles over the speed limit due to her mistaking what the speed limit was in the area. No enforcement action was taken. The third stop occurred, Williams recognized Kennedy and told her she was free to leave. Before leaving Kennedy asked Williams why he had stopped her and he stated she was travelling 32 in a 30 speed zone. During the fourth stop she pulled over however Williams pulled up next to her vehicle and stated that he realized who she was and that she was free to leave.

15. On January 5, 2021, in response to LPD's investigation, Williams provided a written statement. He stated "I have observed during bar checks where there are college aged individuals, as a general rule males seem to be calmer even it they are minors, and are more likely to say hello or high five the officer. On the other hand, females, at times, react differently, including attempted flight from the bar. This is something I'm trained to watch for."

16. Commission Investigator George Brown conduct the investigation for the Commission. As part of his investigation, Brown interviewed Williams. During the interview when asked about the large gender discrepancy in his MIP citations Williams told Brown that typically its groups of females that react negatively to law enforcement, they aren't scared of law enforcement but are fearful of getting caught.

Conclusions of Law

17. The Commission issued a law enforcement certification to Bradley Williams. The KLETA 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. 74-5616.

18. Pursuant to K.S.A. 74-5616(b)(l) 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.

19. The Commission's Investigative Committee issued an order revoking Williams's certification after concluding he had violated two provisions of K.S.A. 74-5616(b). Williams requested a hearing on the revocation of his certification. The Commission has jurisdiction over Williams and the subject matter of this hearing.

Racial or Other Biased-Based Policing

20. The Commission is authorized to suspend, condition, or revoke the certification of a police officer or law enforcement officer who has used racial or other biased-based policing prohibited by K.S.A. 22-4609, and amendments thereto. K.S.A. 74-5616(b)(6).

21. K.S.A. 22-4606(d) defines racial or other biased-based policing as the unreasonable use of race, ethnicity, national origin, gender, or religion by a law enforcement officer in deciding to initiate an enforcement action.

22. K.S.A. 22-4609 states that it is unlawful to use racial or other biased-based policing in: determining the existence of probable cause to take into custody or to arrest an individual; constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or determining the existence of probable cause to conduct a search of an individual or conveyance.

23. Williams' conduct shows he engaged in conduct constituting racial or other biased-based policing when he unreasonably used gender in deciding to initiate enforcement action. The Commission hereby incorporates by reference the paragraphs numbered 4 through 16 above. The Commission determines those paragraphs show Williams engaged in a pattern of racial or other-biased policing in the following respects:

- A. During the dates of May 15, 2021 until September 14, 2020, Williams cited 84 females (99%) for MIP while only citing 1 male (1%) during self-initiated bar checks. In addition, Williams arrested 230 individuals for Operating Under the Influence (OUI). 147 (64%) of were females and 83 (36%) were males which is statistically inconsistent with LPD and national data maintained by the FBI.
- B. Observations, experiences and data collected by female LPD officers regarding Williams' enforcement actions overwhelmingly showed a focus on females. Specially, Kennedy's personal experience of being stopped by Williams four times in a 12 month period, Wiltz having no recollection of ever backing Williams on a traffic stop of a male, only females and the data collected by Wiltz

and Dunn that showing Williams cited 10 females to every one male.

- C. Williams' statements to LPD that as a "general rule males seem to be calmer even if they are minors, and are more likely to say hello or high five the officer. On the other hand, females, at times, react differently, including attempted flight from the bar" shows gender based bias that Williams used in his decisions to take enforcement action.
- D. Williams' statements to Commission Investigator Brown that typically its groups of females that react negatively to law enforcement, they are not scared of law enforcement but are fearful of getting caught shows gender based bias that Williams used in his decisions to take enforcement action.

Good Moral Character

24. 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. 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. 74-5605(b)(5).

25. K.A.R. 106-2-4(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.

26. 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).

27. 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).

28. 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.

29. Williams' conduct show he lacks the personality quality of integrity, that he engaged in conduct that violated public trust and failed to uphold the oath required for certification and to uphold the laws of the state. The Commission hereby incorporates by reference the paragraphs numbered 4 through 16 and 20 through 23 above. The Commission determines those paragraphs show Williams' conduct clearly demonstrates a lack of good moral character sufficient to warrant the public trust in the following respects:


- A. Williams' conduct of engaging in racial or other biased-based policing by unreasonably using gender in deciding to initiate enforcement action shows he lacks the personality trait of integrity.
- B. Williams' patrol and enforcement action involving female exotic dancers that resulted in [REDACTED] feeling harassed, stalked and scared to go to work is not conduct that warrants the public trust. This conduct resulted in Williams' supervisor's name and phone number being written on a bathroom wall with advice to other females to contact the supervisor if they were feeling harassed by Williams.
- C. By engaging in racial or other biased policing in violation of K.S.A. 22-4609 Williams fails to uphold the laws of the state and nation. Instead, Williams is violating the laws of the state.

Based upon the totality of the evidence, the Commission concludes that there is clear and convincing evidence to show Williams has failed to maintain the requirements for certification as a law enforcement officer, specifically the requirement in K.S.A. 74-5605(b)(5) of "good moral character sufficient to warrant the public trust" thereby violating K.S.A. 74-5616(b)(1). The Commission further concludes that there is clear and convincing evidence to show Williams used racial or other biased-based policing prohibited by K.S.A. 22-4609, and amendments thereto in violation of K.S.A. 74-5616(b)(6).

After consideration of the above findings of fact and conclusions of law, it is the decision and order of the Commission that the law enforcement certification issued to

Bradley Williams should be and is hereby revoked. It is the further decision and order of the Commission that Bradley Williams 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.


Foc:
Herman Jones, Commissioner
As designated by and on behalf of the
Kansas Commission on Peace Officers'
Standards and Training

NOTICE OF ADMINISTRATIVE RELIEF

The above Order revoking the certification as a law enforcement officer issued to Bradley Williams is a final order. Pursuant to K.S.A. 2021 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. 2021 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: Doug Schroeder, Executive Director of KS-CPOST, 1999 N. Amidon, Suite 350, Wichita, KS 67203.

CERTIFICATE OF SERVICE


This is to certify that on this 1st day of December 2022, a copy of the above Order and Notices were deposited in the United States mail, first-class postage prepaid, and addressed to:

Bradley Williams


James Jarrow
Attorney for Williams
51 Corporate Woods
9393 West 110th St., Suite 500
Overland Park, KS 66210

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



Staff
Kansas Commission on Peace Officers'
Standards and Training