



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

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In the Matter of)
)
JESSE CROSS)
 #32342)
)

Case No. 2022-0025

SUMMARY ORDER OF REVOCATION

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 CROSS (Respondent).

STATEMENT OF FACTS

1. The Commission granted Respondent a full-time law enforcement certification, certification number 32342.
2. Respondent was employed as a full-time law enforcement officer with the Caney Police Department (CPD) from November 12, 2020, to January 27, 2022.
3. Respondent was assigned to perform weekly tests on the CPD's Intoxilyzer instrument. In November 2021, a defense attorney requested paperwork regarding the Intoxilyzer. The CPD subsequently discovered that the

weekly calibration check had not been performed and was unable to locate several weeks' worth of printed reports. The CPD opened an investigation.

4. The CPD contacted the Kansas Department of Health and Environment (KDHE) and was informed that the KDHE records indicated that weekly Intoxilyzer testing had not been completed from August 21, 2021, to December 1, 2021. However, On December 9, 2021, Respondent sent an email to the KDHE that stated, "Good Morning, I have made a mistake and I have not been logging my intox weekly calibrations and I only did them monthly. I know [sic] realise [sic] what I should have been doing the whole time and it will be corrected from here out." Respondent's December 9 email to the KDHE falsely stated that she had performed monthly Intoxilyzer tests.
5. Respondent recorded in the CPD Intoxilyzer log that she completed calibration checks on December 22, 2021, and January 6, 2022. Respondent documented standard check entries of 0.079% and 0.80%, respectively. However, Respondent did not complete the requisite checks on those dates and falsified the log entries.
6. As a result of Respondent's failure to perform the required Intoxilyzer checks and her falsified entries, pending DUI cases were dismissed.
7. Respondent admitted that she lied on official documents, that she was untruthful about completing monthly checks in the email to KDHE, and that she did not perform the December 22 or January 6 checks but instead fabricated numbers to record in the Intoxilyzer log.

CONCLUSIONS OF LAW

Unprofessional Conduct – False Statement in Official Communication

8. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of a police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the Commission.

9. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as, except for a legitimate law enforcement purpose, intentionally using a false or deceptive statement in any official document or official communication.
10. Respondent intentionally submitted false statements in an email to the KDHE and on the CPD Intoxilyzer log. Neither was done for a legitimate law enforcement purpose.

Criminal Conduct

11. 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.
12. Pursuant to K.S.A. 21-5824, making false information is making, generating, distributing or drawing, or causing to be made, generated, distributed or drawn, any written instrument, electronic data or entry in a book of account with knowledge that such information falsely states or represents some material matter or is not what it purports to be, and with intent to defraud, obstruct the detection of a theft or felony offense or induce official action. Making false information is a severity level 8, nonperson felony.
13. Respondent engaged in conduct that would constitute the felony crime of making false information.

Good Moral Character

14. 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.
15. 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.
16. 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.
17. Respondent's conduct shows that she lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

18. 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 JESSE CROSS be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JESSE CROSS IS HEREBY REVOKED.

FURTHER, Respondent is ordered to surrender and return to the Commission all evidence of her certification as a law enforcement officer.

DATED this 24th day of June, 2022.

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 24th day of June, 2022, 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, with tracking, postage prepaid, addressed to:

JESSE CROSS



JESSE CROSS



A handwritten signature in blue ink that reads "Brad Smith".

Staff
Kansas Commission on Peace Officers'
Standards and Training