



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

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In the Matter of)	
)	
MARTIN SANCHEZ)	Case No. 2020-0192
#27916)	
)	

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 MARTIN SANCHEZ (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 27916.
2. Respondent was employed as a full-time law enforcement officer with the Dodge City Police Department (DCPD) from May 19, 2014, to July 24, 2020, and with the Kansas Racing and Gaming Commission Security Division from February 15, 2021, to October 21, 2021.

Witness 1

3. On July 15, 2020, a female law enforcement officer, hereinafter referred to as Witness 1, was off-duty and socializing at a friend's home. She consumed several alcoholic beverages and was exchanging messages with Respondent. Respondent asked Witness 1 to meet him at Legends Park, a public baseball field, when she was finished visiting her friend. Witness 1 met Respondent at Legends Park shortly after 11:00 pm. Respondent was aware that Witness 1 had been drinking tequila prior to meeting him. Respondent, who is married, and Witness 1 had never previously engaged in any sort of physical or intimate contact. However, they began kissing in a consensual manner at the baseball field. This was followed by Respondent penetrating Witness 1's mouth and vagina with his penis. Respondent and Witness 1's accounts of the sexual contact differ, particularly regarding whether the encounter was consensual. The sexual contact occurred in public outside of Witness 1's vehicle. Approximately ten minutes after Respondent left the area, Witness 1 contacted a family member to report she had been raped. Witness 1 also submitted to a medical sexual assault examination and reported the encounter to another coworker, family member, and a therapist. However, when making these disclosures, Witness 1 did not disclose Respondent's name as she was concerned about retaliation both by Respondent and by other law enforcement officers. Witness 1 messaged Respondent indicating that she had told him to stop the intercourse and he did not.

4. Although Witness 1 did not disclose the identity of Respondent when confiding in her coworker, the DCPD was able to determine his identity and opened an internal investigation. Witness 1 indicated that she was uncertain about making a criminal report due to understanding the difficulty of proving a case of this nature and for fear of not being believed. In the internal investigation, Respondent denied raping Witness 1 but admitted to having intercourse with Witness 1 outside her vehicle in a public area. Respondent stated that vehicles were driving by, he got nervous, and he stopped. Respondent was on-duty, in uniform, in a marked patrol vehicle, and acting as the sole supervisor at the time of the encounter. Based on their investigation, the DCPD sustained a finding that Respondent engaged in misconduct on duty and determined that he would be dismissed

from his employment as a result. Respondent resigned upon learning of the recommendation for dismissal.

Witness 2

5. Respondent and a female, hereinafter referred to as Witness 2, engaged in consensual sex multiple times in the Summer of 2020, often while Respondent was on-duty with the DCPD. Their physical relationship ended in the latter part of 2020. However, on January 29, 2021, Respondent showed up at Witness 2's office toward the end of the workday. According to Witness 2, Respondent asked her to go to another room where they had previously been intimate. Witness 2 declined the request and Respondent eventually left her office. A short time later, Witness 2 walked to her vehicle and noticed that Respondent was in the parking lot sitting in his car. Witness 2 continued to her vehicle. As she was getting in, Respondent approached her, wanting to kiss her. Witness 2 told Respondent no, but he grabbed her face and kissed her. Witness 2 tried pushing Respondent away, but he kissed her again. Witness 2 was able to get in her vehicle and leave. Witness 2 sent Respondent a message stating, "I have a boyfriend. What you did yesterday can not happen again." Witness 2 did not want to cause problems for Respondent but felt his behavior was escalating and that her boundaries were being crossed. Respondent was interviewed and admitted to going to Witness 2's office but denied asking her to go to the back room. Respondent indicated that he left and claimed that his car was warming up when he saw Witness 2 walk by in the parking lot. Respondent claimed that the kiss was consensual and denied that Witness 2 told him no at the time. Video surveillance shows that after leaving Witness 2's office, Respondent was in his car, returned to Witness 2's office and appeared to look for her, returned to his car again, then ran to the area of Witness 2's vehicle as she was attempting to leave.
6. Based on Respondent's actions as enumerated in paragraph five, he was criminally charged in the District Court of Ford County, Case Number 21-CR-348, with one count of Sexual Battery, contrary to K.S.A. 21-5505. Respondent entered a Diversion Agreement in the criminal case.

7. In an interview with Commission Investigator George Brown, Respondent was asked about his conduct with Witness 1 and Witness 2. In summarizing the events, Respondent stated, "Both times. . . I did nothing wrong."

CONCLUSIONS OF LAW

Criminal Conduct

8. 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.
9. K.A.R. 106-2-2a(a)(12) 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 sexual battery, as defined in K.S.A. 21-5505, and amendments thereto.
10. K.A.R. 106-2-2a(a)(13) 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 lewd and lascivious behavior, as defined in K.S.A. 21-5513, and amendments thereto.
11. Respondent's conduct on July 15, 2020, was unlawful and constitutes a violation of K.S.A. 74-5616(b)(5). Witness 1 has reported that Respondent raped her, which would constitute a felony crime under the laws of this State pursuant to K.S.A. 21-5503. Witness 1's behavior following the encounter is consistent with that of a victim of a sexual assault. However, even if Respondent's claim that he engaged in consensual sex with Witness 1 is to be believed, he has nevertheless admitted to engaging in lewd in lascivious behavior, contrary to K.S.A. 21-5513, a violation of K.S.A. 74-5616(b)(5). Respondent claims that

he engaged in lawful consensual sex and sodomy and admits that it occurred in a public location outside a vehicle. He could reasonably anticipate his actions being viewed by others and admits that he stopped engaging in sexual intercourse after seeing vehicles drive by.

12. Respondent's conduct on January 29, 2021, constitutes sexual battery, contrary to K.S.A. 21-5505, a violation of K.S.A. 74-5616(b)(5). Respondent showed up to Witness 2's place of work uninvited. Respondent can be seen returning to Witness 2's office once he has already spoken with her and waiting in his car until he sees Witness 2 approach her vehicle. Respondent kissed Witness 2 after she told him not to and pushed him away. Respondent was criminally charged with sexual battery as a result. Respondent entered a Diversion Agreement on the sexual battery charge.
13. Both Witness 1 and Witness 2 insist that Respondent continued sexually assaulting them after being explicitly told to stop. Both Witnesses sent messages to Respondent after their encounter indicating that he did not stop when told to and that what he did cannot happen again, respectively.

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 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.

18. Two unrelated females accused Respondent of a sexual assault in an approximate six-month period. In both cases, Respondent claimed that the conduct was consensual and denied doing anything wrong. However, Respondent entered a Diversion Agreement when charged criminally with his conduct toward Witness 2. With both witnesses, Respondent engaged in a sexual act while on-duty and while responsible for the safety of other officers. In one instance, Respondent was in uniform, in public view, and next to a marked patrol vehicle while doing so.

Summary Proceedings

19. 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 MARTIN SANCHEZ be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF MARTIN SANCHEZ 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 14th day of December, 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.

Maria Sanchez

CERTIFICATE OF SERVICE


This is to certify that on the 15th day of December, 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:

MARTIN SANCHEZ



and a courtesy copy was mailed via first class mail, postage prepaid, addressed to:

Matthew R. Huntsman
Bukaty, Aubry & Huntsman, Chartered
10975 Benson DR
STE 370
Overland Park, KS 66210



Staff
Kansas Commission on Peace Officers'
Standards and Training