



BEFORE THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

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In the Matter of)
)
BREANNA JOHNSON)
 #32374)
_____)

Case No. 2023-0034

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 BREANNA JOHNSON (Respondent).

STATEMENT OF FACTS

1. The Kansas Commission on Peace Officers' Standards and Training (Commission) granted full-time certification to Respondent, certification number 32374.
2. Respondent was employed as a full-time law enforcement officer with the Wichita Police Department (WPD) from January 11, 2021 to February 17, 2023.
3. On December 12, 2022, a WPD employee noticed a strong odor of marijuana coming from Respondent and reported it. WPD command staff spoke with Respondent regarding the allegation and noticed that she exhibited signs of impairment. In response to questioning, Respondent denied that she had used marijuana or would test positive for it on a drug test. Respondent was drug tested and the test was positive for marijuana. Respondent was again

interviewed and admitted that she smoked marijuana before going to work on December 12; that she smokes marijuana daily; and that she used marijuana on the day she was subsequently interviewed about her positive drug test results. Respondent admitted that she lied to WPD command staff on December 12 when she stated that she had not used marijuana that day. Respondent also stated that she has no plans to discontinue her marijuana use.

CONCLUSIONS OF LAW

Unprofessional Conduct

4. 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.

False Statement

5. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as, except for a legitimate law enforcement purpose, intentionally using a false statement in any official document or official communication.
6. Respondent intentionally used false statements in response to WPD command staff questions regarding her marijuana use. Her dishonesty was not associated with a legitimate law enforcement purpose.

Using Controlled Substance

7. K.A.R. 106-2-3(j)(5) defines unprofessional conduct as, except for a legitimate law enforcement purpose, using any controlled substance that is unlawful to possess, as defined by K.S.A. 21-5706, and amendments thereto.
8. Respondent used a controlled substance, specifically marijuana, that is unlawful to possess pursuant to K.S.A. 21-5706. Her marijuana was not related to a legitimate law enforcement purpose.

Good Moral Character

9. 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.

10. 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.

11. 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.

12. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that a licensee lacks or has failed to maintain good moral character.

13. Respondent's conduct shows that he has failed to maintain good moral character sufficient to warrant the public trust in him as a law enforcement officer.

Summary Proceedings

14. 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

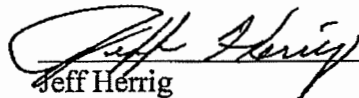
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of BREANNA JOHNSON be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF BREANNA JOHNSON 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 15 day of Aug., 2023.

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 15th day of August, 2023, 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:

BREANNA JOHNSON





Staff
Kansas Commission on Peace Officers'
Standards and Training