

**KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS & TRAINING**

1999 N Amidon Ste. 350

Wichita, KS 67203

In the Matter

of

**JACOB PETERSEN**

# 33574

Case No. 2023-0052

**ORDER**

Now on November 2, 2023, the above-referenced matter comes for hearing by the Kansas Commission on Peace Officers' Standards and Training (Commission) regarding the law enforcement certification of Jacob Petersen. Pursuant to 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: Don Scheibler, Chief of Hays Police Department, Jody Prothe, Major, Johnson County Sheriff's Office, and Sherri Schuck, Pottawatomie County Attorney.

Jacob Petersen appeared in person, *pro se*. The Commission was represented by its litigation counsel, Special Assistant Attorney General Michelle Meier. Also present was Jay Rodriguez, Assistant Attorney General, serving 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. Jacob Petersen (Petersen) received his certification as a law enforcement officer, certification number 33574.

2. Petersen was employed as a full-time law enforcement officer with the Leavenworth Police Department (LPD) from July 7, 2022 until April 24, 2023. His law enforcement certification is currently active.

3. On March 26, 2023, Petersen responded to a call at the home of V.A., where Petersen obtained V.A.'s phone number. Afterwards, Petersen texted V.A. to request a sexual encounter, using a phone app to conceal his identity. On March 29, 2023, Petersen visited V.A.'s home in pursuit of a sexual encounter. V.A. notified LPD, which opened an investigation.

4. During LPD's investigation of Petersen, Petersen denied contacting V.A. for sex. Petersen denied it in an interview with Deputy Police Chief Dan Nicodemus, in response to questions given during a polygraph examination, and in an interview with Chief of Police Patrick Kitchens.

5. On April 24, 2023, Petersen was terminated by LPD for dishonesty in an official investigation. In response to the notice of termination filed by LPD, the Commission undertook an investigation of Petersen's conduct and found evidence of violations of the Kansas Law Enforcement Training Act (KLETA).

6. The Committee determined Petersen had violated the following three provisions of the KLETA: (1) K.S.A. 74-5616(b)(7)—engaging in unprofessional conduct as defined in K.A.R. 106-2-3(j)(1): intentionally using a false statement in any official document or communication; (2) K.S.A. 74-5616(b)(7)—engaging in unprofessional conduct as defined in K.A.R. 106-2-3(h): exploiting or misusing his position as an officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship; and (3) K.S.A. 74-5616(b)(1)—failing to meet and maintain the certification requirement of good moral character sufficient to warrant the public trust as required in K.S.A. 74-5606(b)(5). Based upon these violations, the Commission issued a summary proceeding order on August 8, 2023, revoking Petersen's certification as a law enforcement officer. On August 17, 2023, Petersen filed with the Commission his request for a hearing on the order.

7. Prior to the hearing, the parties stipulated to twelve State exhibits. Petersen did not seek to admit any evidence exhibits.

### Hearing

8. The hearing was held on November 2, 2023. Petersen appeared in person. Petersen was advised of his right to present evidence and witnesses, and to be represented by counsel. All witnesses were sworn prior to testifying. The Commission admitted State's exhibits 1-12.

9. On March 26, 2023, Petersen responded to a call from V.A. regarding a theft that occurred at V.A.'s home. Petersen made an initial report and obtained V.A.'s

phone number. Later that day, V.A. called Petersen to provide additional information. Petersen arranged to stop by V.A.'s home to take pictures for his report.

10. On the night of March 29, 2023, Petersen used a phone application to disguise his phone number, then texted V.A. to request a sexual relationship. He told her only that his name was Jake, and said he was "looking for a hook up." V.A. responded by suggesting that "Jake" had the wrong number, and Petersen replied: "Are you interested? You are female right?... One night stand we go [our] separate ways." V.A. believed the person texting her might be one of her friends, and she attempted to learn Petersen's identity. But Petersen refused to identify himself or explain how he had obtained V.A.'s phone number. After Petersen asked to meet in person so they could talk, V.A. told Petersen he could go to the Little Caesar's restaurant across from her house, which would enable her to see Petersen from her house at a safe distance.

11. Instead of driving to the restaurant that V.A. had suggested, Petersen went directly to V.A.'s house at approximately 10:45 p.m. on March 29, 2023. V.A.'s Ring doorbell camera captured his visit. Once at V.A.'s house, Petersen rang the doorbell and called V.A. V.A. was home, but did not answer the door. After a few minutes, Petersen left.

12. V.A. recognized Petersen as the police officer who had responded to her call a couple of days earlier. She found a photo of Petersen on the LPD Facebook page and sent it to Petersen, asking "is this [you]." Petersen responded: "Yeah." V.A. told her ex-husband about the incident and her ex-husband told his friend, who is an officer with LPD. The next day, that officer informed LPD about Petersen's conduct.

13. LPD interviewed V.A. on April 10, 2023. V.A. provided screenshots of her text messages with Petersen, photos from her doorbell camera, and gave a detailed statement describing her interactions with him. She explained that she reported Petersen's conduct because she felt it was "harassment" and she was uncomfortable with him showing up at her house. She said she would be afraid to call LPD if she were the victim of a crime because she would be worried that Petersen might respond to the call.

14. LPD Major and Deputy Chief Dan Nicodemus interviewed Petersen on April 13, 2023. Nicodemus asked Petersen about his interactions with V.A. Petersen denied texting V.A. using a disguised phone number and denied any attempt to establish a sexual relationship with V.A.: "I never did that. That was not me." Nicodemus showed Petersen screenshots of his text conversations with V.A., including the Facebook photo of Petersen that V.A. sent to him and Petersen's response acknowledging that it was a photo of him. Petersen responded: "I never sent that." Nicodemus pressed Petersen to tell the truth:

Nicodemus: "It was either you that contacted her or it wasn't. You're saying No with a doubt?"

Petersen: "No, without a doubt." (State's Exhibit 6, p. 8).

Shortly after the conclusion of the interview, Petersen returned to suggest to Nicodemus that V.A. might have fabricated the text messages because he heard V.A. “hates cops” and because Petersen’s sister was in the midst of a child custody dispute with a man whose last name was the same as V.A.’s.

15. Following the interview, LPD asked Petersen to submit to a polygraph test. Petersen agreed and was examined by Ralph Sorrell on April 22, 2023. During the examination, Petersen was asked if he sent sexually related text messages to V.A. and if he sent text messages asking V.A. if she wanted to hook up. Petersen responded “No” to both questions. The examiner determined that those responses were false.

16. On April 24, 2023, Petersen met with LPD Chief Patrick Kitchens. Kitchens told Petersen that LPD’s internal investigation showed that Petersen attempted to initiate a relationship with a person who was a victim of a crime, and then lied about his conduct to Nicodemus and Sorrell. Kitchens asked Petersen if he had anything to say to correct the record. Petersen responded by saying “I’ve been completely truthful here.” His employment with LPD was terminated at the conclusion of the meeting.

17. After his termination, Petersen was interviewed by CPOST Investigator George Brown. Petersen admitted that he had disguised his phone number and attempted to establish a sexual relationship with V.A. in March, 2023. He acknowledged that he visited V.A.’s home on the night of March 29, 2023. He admitted that he lied to Nicodemus, Sorrell, and Kitchens during the course of the LPD investigation of his conduct. At the hearing, Petersen accepted responsibility for texting V.A. and admitted to the three instances of dishonesty. He said that he felt remorse for his conduct, and explained that he initially lied about his behavior to protect his marriage. Petersen acknowledged the gravity of his misconduct and committed to improving his behavior and his character.

### **CONCLUSIONS OF LAW**

18. Administrative proceedings to suspend or revoke the certification of a law enforcement officer are conducted pursuant to the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501, *et seq.* K.S.A. 74-5616(c). Under the KAPA, the Commission’s Investigative Committee issued a Summary Order Revoking Certification after concluding that Petersen violated three provisions of the KLETA.

19. K.S.A. 74-5616(b) authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who fails to meet and maintain the requirements for certification as set forth in K.S.A. 74-5605 and amendments thereto. Clear and convincing evidence was presented at the hearing to show Petersen violated the following provisions of the KLETA: (1) K.S.A. 74-5616(b)(7)—engaging in unprofessional conduct as defined in K.A.R. 106-2-3(j)(1): intentionally using a false statement in any official document or communication; (2) K.S.A. 74-5616(b)(7)—engaging in unprofessional conduct as defined in K.A.R. 106-2-3(h): exploiting or misusing his position as an officer to establish or attempt to establish a financial, social,

sexual, romantic, physical, intimate, or emotional relationship; and (3) K.S.A. 74-5616(b)(1)—failing to meet and maintain the certification requirement of good moral character sufficient to warrant the public trust as required in K.S.A. 74-5606(b)(5). Based upon these violations, the Commission issued a summary proceeding order on August 8, 2023, revoking Petersen's certification as a law enforcement officer. On August 17, 2023, Petersen requested a hearing on the order. The Commission has jurisdiction over this matter.

#### Misconduct, First Count

20. KLETA authorizes the Commission to suspend, condition or revoke the certification of a law enforcement officer who engages in unprofessional conduct as defined in the Commission's regulations. This conduct includes intentionally using a false statement in any official document or communication. K.A.R. 106-2-3(j)(1).

21. As shown in the hearing, Petersen lied on three occasions during an internal LPD investigation into his conduct: twice to his superior officers and once to the administrator of a polygraph examination.

22. Based on the totality of the evidence, the Commission concludes that there is clear and convincing evidence to show that Petersen engaged in misconduct by making false statements in official communications, in violation of K.S.A. 74-5616(b)(7), as defined in K.A.R. 106-2-3(j)(1).

#### Misconduct, Second Count

23. KLETA authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who engages in unprofessional conduct, as defined by the Commission in regulation. K.A.R. 106-2-3(h) defines misconduct as exploiting or misusing the position as an officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship.

24. As shown in the hearing, Petersen met V.A. in the course of his duties when he responded to her report of a theft. He acquired her phone number in order to contact her about developments in her case and he used her phone number to contact her for a sexual relationship. Petersen also visited V.A.'s home in pursuit of a sexual relationship.

25. Based on the totality of the evidence, the Commission concludes that there is clear and convincing evidence the show that Petersen engaged in misconduct by using his position as a law enforcement officer to attempt to establish a sexual relationship, in violation of K.S.A. 74-5616(b)(7), as defined in K.A.R. 106-2-3(h).

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

26. KLETA authorizes the Commission to suspend, condition, or revoke the certification of a law enforcement officer who fails to meet and maintain the requirements

of K.S.A. 74-5605(b)(5), which requires law enforcement officers to have good moral character sufficient to warrant the public trust. K.S.A. 74-5616(b)(1).

27. 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.

28. 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).

29. 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.

30. The Commission hereby incorporates by reference the paragraphs numbered 8 through 19 above. The Commission determines those paragraphs show Petersen's conduct clearly demonstrates a lack of good moral character sufficient to warrant the public trust due his misuse of his position and to his repeated dishonesty. Petersen's conduct was conduct that destroys the public trust as well as betrays his badge and integrity as a law enforcement officer.

31. Based upon the totality of the evidence, the Commission concludes that there is clear and convincing evidence to show Petersen 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).

## Sanction


32. The Commission has concluded that the facts show that Petersen has violated three provisions of the KLETA. Petersen engaged in misconduct by using his position to establish a sexual relationship and by lying about it on three occasions in communications with law enforcement. Petersen has also failed to maintain the good moral character, warranting the public trust, that is required of his certification.

33. Based on the above violations, separately and collectively, the Commission determines that the law enforcement officer certification issued to Petersen should be revoked.

**ORDER**

Upon 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 Jacob Petersen should be and is hereby revoked. It is the further decision and order of the Commission that Jacob Petersen must surrender and return to the Commission all evidence of his certification as a law enforcement officer with thirty (30) days from the date entered on the certificate of service below.

IT IS SO ORDERED.

  
**As authorized by:**  
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Don Scheibler  
Commissioner and  
Chair of Hearing Panel  
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 Jacob Petersen is a final order. Pursuant to K.S.A. 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. 77-528, a party may file with the Commission 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**

Pursuant to K.S.A. 77-613, 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 agency officer who may receive service of a petition for reconsideration, a petition for a stay, or a petition for judicial review on behalf of the Board is Doug Schroeder, Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, KS 67203.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of November, 2023, a copy of the above Final Order and Notice of Administrative and Judicial Relief was deposited with the United States Postal Service, postage pre-paid, and addressed to:

Jacob Petersen



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

Original filed with:

Kansas Commission on Peace Officers' Standards and Training  
1999 N Amidon, Suite 350  
Wichita, KS 67203

A handwritten signature in blue ink that reads "Rose Kelley". The signature is written over a horizontal line.

Staff  
Kansas Commission on Peace Officers'  
Standards and Training