



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

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In the Matter of)
)
PETER HOFF)
 #30038)
_____)

Case No. 2022-0124

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 PETER HOFF (Respondent).

STATEMENT OF FACTS

1. The Kansas Commission on Peace Officers' Standards and Training (Commission) granted full-time certification to Respondent, certification number 30038.
2. Respondent was employed as a full-time law enforcement officer with the Johnson County Sheriff's Office (JCSO) from August 28, 2017, to October 21, 2018, and from April 29, 2019, to November 5, 2022.
3. On August 31, 2022, prior to testifying in a DUI suppression hearing, Respondent told a Johnson County Assistant District Attorney (ADA) that he had reviewed his body camera footage for the case within the past few days. During the hearing, Respondent testified that

he had reviewed his body camera footage of the DUI incident, “A few days ago, perhaps a week ago.” However, throughout the hearing, Respondent testified inconsistently with what the body camera footage showed.

4. Following the suppressing hearing, the ADA emailed a summary of Respondent’s conduct before and during the suppression hearing to her supervisor. In the email, the ADA wrote, “In summation, I think Deputy Hoff did not review his body cam footage prior to coming to court (lied about doing so) and then made up facts during his testimony that he thought might be helpful to the case. If he had reviewed his body cam footage prior to court, then he straight up just made up facts on the stand since his testimony did not match his footage nor his report. He then responded to almost every question Defense asked on cross with ‘I don’t remember’ and became increasingly smart-alecky as the cross went on. The pro-temp judge (Marc Berry) made a finding that Deputy Hoff was not credible and then granted Defense’s motion to suppress all the evidence. I then moved to dismiss the case which was granted.” The complaint regarding Respondent’s testimony during the hearing was forwarded to the JCSO, who opened an investigation.
5. The JCSO audited Respondent’s access to his body camera footage. For the video associated with the DUI at issue in the suppression hearing, Respondent had not accessed the video since August 12, 2021, more than a year prior to the suppression hearing.
6. On September 7, 2022, the JCSO interviewed Respondent regarding his inconsistent statements about reviewing the video in preparation for the hearing. When confronted with the ADA’s account of the hearing, Respondent stated he had reviewed his body camera video prior to the suppression hearing. When presented with the audit information, Respondent seemed surprised this information was available and stated he must have accidentally looked at the video for another case when preparing his testimony for the DUI hearing. Respondent was adamant that he reviewed video prior to testifying at the suppression hearing. The JCSO conducted an additional audit to determine if Respondent had inadvertently reviewed the wrong video for court. The only video accessed by Respondent in the timeframe he stated to both the ADA and during his testimony at hearing

was for a possession of marijuana case that had occurred on August 27, 2022. The JCSO concluded that Respondent had not accidentally reviewed any body camera footage in preparation for the DUI suppression hearing.

7. At the conclusion of their investigation, the JCSO determined that Respondent's employment was to be terminated. On September 23, 2022, Respondent was notified of the decision and was given the opportunity to resign or be terminated. After consulting his attorney, Respondent stated that he would prefer to be terminated. He was provided with a written notice of his termination. Respondent unsuccessfully appealed his termination to the Sheriff. Respondent then appealed to the Johnson County Civil Service Board (CSB). Prior to his scheduled hearing the CSB, Respondent submitted a resignation. Upon receipt, the JCSO wrote, "I write to confirm the Sheriff hereby accepts your resignation as of today, November 5, 2022, reference Professional Standards Investigation 22.059 alleging your violation of the following policies: 700.4.29 – Unbecoming Conduct (AR), 700.4.38 – Truthfulness (A)."

8. In an interview with Commission Investigator George Brown on August 7, 2023, Respondent claimed that, prior to his hearing with the CSB, the JCSO approached him with a "deal" and said, "we will drop all findings of guilt, we will drop all findings of any violation. You will be clean, not guilty of anything, just resign." Respondent claimed that he then accepted this "deal" to "walk away clean" and resigned without any findings of guilt or wrongdoing. However, Respondent did not "walk away clean." The JCSO internal investigation concluded there was evidence that Respondent violated policies related to unbecoming conduct and truthfulness. Respondent was notified on November 5, 2022, that his resignation was accepted in reference to their investigation. In their statutorily mandated report to the Commission regarding Respondent's separation, the JCSO reported that Respondent, "Violated policy under Truthfulness and Unbecoming Conduct."

CONCLUSIONS OF LAW

False Statement in Official Communication

9. 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.
10. 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.
11. Pursuant to K.A.R. 106-2-1(g), "Official document or official communication" means information created or transferred, in any medium, in the course of performing the duties of an officer required by law or by policies or procedures of an appointing authority or in response to an internal or criminal investigation conducted by a law enforcement agency or training school.
12. Respondent was dishonest with the ADA, during his sworn testimony during a DUI suppression hearing, and to the JCSO during an internal investigation. The DUI case was dismissed because of Respondent's testimony. Respondent's dishonesty was not in furtherance of a legitimate law enforcement purpose.

False Statement in Commission Investigation

13. Pursuant to K.S.A. 74-5616(b)(3), the Commission may revoke the certification of a police or law enforcement officer who provides false information or otherwise fails to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.
14. Respondent provided false information in a Commission investigation when claiming that he left the JCSO without any findings of wrongdoing.

Good Moral Character

15. 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.
16. 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.
17. 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.
18. 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.
19. 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

20. 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

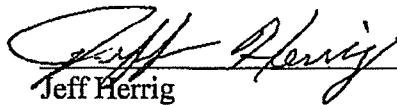
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of PETER HOFF be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF PETER HOFF 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 13 day of November, 2023.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

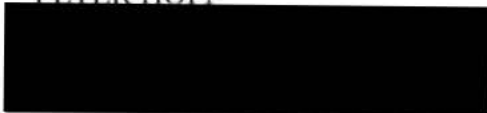
NOTICE OF RELIEF FROM THIS SUMMARY ORDER


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 13th day of November, 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:

PETER HOFF





Staff
Kansas Commission on Peace Officers'
Standards and Training