



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203
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In the Matter of)
)
JAMES CUDE)
 #22117)
_____)

Case No. 2023-0107

SUMMARY ORDER OF CENSURE

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 JAMES CUDE (Respondent).

STATEMENT OF FACTS

1. The Kansas Commission on Peace Officers' Standards and Training (Commission) granted full-time certification to Respondent, certification number 22117.
2. Respondent is currently employed as the Chief of the WaKeeney Police Department (WPD).
3. On July 22, 2023, Respondent proceeded to the Ellis County Jail to transport an inmate, C.J. Upon arrival, Respondent found that the jail staff was holding C.J. in a restraint chair due to his behavior. C.J., who had disclosed that he had Hepatitis C, became increasingly agitated and thrashed about. After C.J. attempted to headbutt another officer, Respondent stated, "If you try to headbutt me or other staff, I will fuck your shit up!" After observing what he believed to be an attempt by C.J. to bite another officer, Respondent struck C.J. in

the head, stating, "If you try to bite anyone, you won't have any teeth when I am done!" C.J. then spit in Respondent's face. Respondent, who was aware of C.J.'s Hepatitis C diagnosis, had a "knee-jerk" reaction and punched C.J. in the face and head area three times before the jail staff intervened. C.J. was restrained at the time of the incident. Respondent self-reported his conduct to the Commission.

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.
5. K.A.R. 106-2-3(f) defines unprofessional conduct as using excessive physical force in carrying out a law enforcement objective. As used in this subsection, physical force shall be deemed excessive if it is greater than what a reasonable and prudent officer would use under the circumstances.
6. Respondent used excessive physical force against C.J. while carrying out a law enforcement objective.

Criminal Conduct

7. 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.
8. K.A.R. 106-2-2a(a)(7) 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 mistreatment of a confined person, as defined in K.S.A. 21-5416, and amendments thereto.

9. Respondent's conduct constitutes a misdemeanor crime that the Commission determines reflects on his honesty, trustworthiness, integrity, or competence as defined by rules and regulations of the Commission. Respondent's conduct constitutes mistreatment of a confined person.

Summary Proceedings

10. 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.

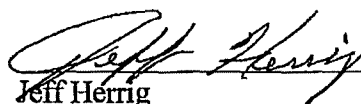
ORDER

Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of JAMES CUDE be CENSURED.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF JAMES CUDE IS HEREBY CENSURED.

DATED this 27 day of Feb, 2024.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

NOTICE OF RELIEF FROM THIS SUMMARY ORDER

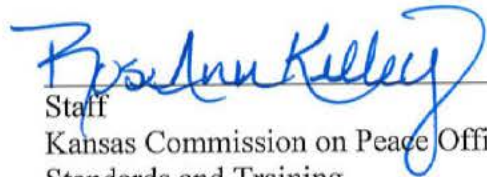
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 27th day of February, 2024, a true and correct copy of the above and foregoing Summary Order of Censure was deposited in the United States mail, with tracking, postage prepaid, addressed to:

JAMES CUDE





Staff
Kansas Commission on Peace Officers'
Standards and Training