



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

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In the Matter of)
)
TYLER R. SHOBNEY)
 #27483)
_____)

Case No. 2017-0108

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 certificate of TYLER R. SHOBNEY (Respondent).

STATEMENT OF FACTS

1. Respondent is a holder of a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 27483.
2. Respondent was employed as a full-time police officer with the Prairie Band Potawatomi Nation Police Department (PBPPD) from July 1, 2013 to February 3, 2017.
3. During his shift on January 15, 2017, Respondent had a citizen, D.C., in his vehicle as a "Ride-Along." Respondent and D.C. kissed and engaged in sodomy in Respondent's patrol vehicle while Respondent was on-duty.

4. Respondent did not obtain the authorization required by PBPPD for D.C. to participate in the Ride-Along program, nor did he inform his supervisor or the Chief of Police about the personal relationship he held with D.C. On January 18, 2017, Respondent received disciplinary counseling about violating the Ride-Along policy and for bringing D.C. into the department without signing in. During that counseling, Respondent stated that nothing sexual happened with D.C.
5. The PBPPD received reports that Respondent was engaged in an affair, and that some of the interaction took place in his assigned patrol vehicle. The PBPPD opened an investigation.
6. On February 2, 2017, Respondent was interviewed by PBPPD Chief Schneider and Captain Clark. Detective Holte was also present. Respondent admitted to violating the Ride-Along policy on January 15, 2017, but denied that he had engaged in sexual activity with D.C.
7. On February 3, 2017, Respondent met with Chief Schneider and Captain Clark. Respondent was informed that the investigation revealed that Respondent and D.C. had engaged in a sexual act, and that Respondent was dishonest in his previous interview. Respondent admitted that he had kissed and performed oral sex on D.C. while in his patrol vehicle and while on-duty. Respondent told Chief Schneider, "I didn't lie, I just didn't tell you the whole truth."
8. On August 21, 2017, Respondent was interviewed by Commission Investigator Mike Oliver. Respondent stated that during the interview on February 2, 2017, Chief Schneider asked Respondent if he engaged in a sex act with D.C. in a field. Respondent said "no." Respondent told Investigator Oliver that while he technically told the truth, he intentionally misled the Chief because the act occurred in a patrol car and not a field.

CONCLUSIONS OF LAW

Unprofessional Conduct – False Statements

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 intentionally using a false or deceptive statement in any official document or official communication.
11. In a counseling session on January 18, 2017, Respondent told Chief Schneider that nothing of a sexual nature occurred between D.C. and Respondent on January 15, 2017. In an interview on February 2, 2017, Respondent again denied that he had sexual contact with D.C. After being confronted with evidence to the contrary, Respondent admitted in a subsequent interview that he had, in fact, performed a sexual act on D.C. Respondent admitted to both Chief Schneider and Investigator Oliver that he was deceptive in his statements.

Good Moral Character

12. Pursuant to K.S.A. 74-5616(b)(1) the Commission may suspend, condition, revoke, reprimand, censure or deny 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.
13. 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.
14. 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.

15. K.A.R. 106-2-4(b) states that any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
16. Respondent's conduct reflects a lack of the personal traits or qualities that define good moral character. Respondent was dishonest in official statements to his superiors. Engaging in sexual activity with a Ride-Along while on-duty and in a department patrol vehicle is a violation of public trust.
17. 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 TYLER R. SHOBNEY be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF TYLER R. SHOBNEY 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 1st day of February, 2018.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chairperson, 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 1st day of February, 2018, true and correct copies of the above and foregoing Summary Order of Revocation of Certificate were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

TYLER R. SHOBNEY



A handwritten signature in blue ink, reading "Rose Ann Ohmart".

Rose Ann Ohmart
Senior Administrative Assistant
Kansas Commission on Peace Officers'
Standards and Training