



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203
Tel (316) 832-9906 • Fax (316) 832-9679

In the Matter of)
)
STEVEN SMITH)
 #31719)
_____)

Case No. 2022-0021

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 STEVEN SMITH (Respondent).

STATEMENT OF FACTS

1. The Kansas Commission on Peace Officers' Standards and Training (Commission) granted full-time certification to Respondent, certification number 31719.
2. Respondent was employed as a full-time law enforcement officer with the Topeka Police Department (TPD) from January 13, 2020, to January 21, 2022.
3. On October 26, 2021, the TPD received a report that a vehicle hit the reporting party's parked vehicle in front of their home and continued driving. Dispatch then received a call from Respondent, who was off duty at the time, reporting that his wife was in a collision and that she circled the block and returned to the collision site.

4. TPD officers responded to the reporting party's address and spoke with Respondent, who stated that his wife was driving and rear ended another vehicle. Respondent had an odor of alcohol coming from his person and asked one of the TPD responding officers to turn off his body camera. According to the reporting party, Respondent stated that he was the one driving the vehicle. The reporting party also provided doorbell camera video of the collision, which was inconsistent with Respondent's report that his wife was driving the vehicle at the time of the collision. The TPD determined that the Kansas Highway Patrol (KHP) would take over the investigation.
5. KHP troopers arrived and interviewed Respondent, observing that his speech was slurred and there was a strong odor of consumed alcohol on his breath. Respondent told the KHP investigating trooper that he had consumed alcohol, had been distracted by his telephone while attempting to place a call, and struck a parked vehicle. Respondent stated that he had panicked, left the scene, and proceeded to his residence to contact his wife. Respondent then rode with his wife back to the scene of the crash. Respondent submitted to a breath test, which revealed that his BAC was .89.
6. Respondent admitted in both the TPD internal investigation and the Commission investigation that he lied to the TPD responding officers on the night of the collision.
7. Respondent was criminally charged in the District Court of Shawnee County, Case Number 21CR002739, with one count of Interference with Law Enforcement, contrary to K.S.A. 21-5904, and one count of Driving Under the Influence, contrary to K.S.A. 8-1567. The criminal case was resolved by a diversion agreement.

CONCLUSIONS OF LAW

Criminal Conduct

8. 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.

9. K.A.R. 106-2-2a(a)(35) 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 interference with law enforcement, as defined in K.S.A. 21-5904, and amendments thereto.
10. Respondent's conduct constitutes 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. Respondent's conduct constitutes interference with law enforcement.

Good Moral Character

11. 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.
12. 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.
13. 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.
14. 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.

15. Respondent's conduct shows that he lacks the personal qualities of integrity, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

16. 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

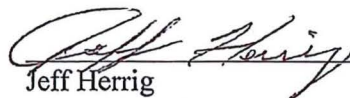
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of STEVEN SMITH be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF STEVEN SMITH 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 15th day of August, 2022.

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, 2022, 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, first-class postage prepaid, addressed to:

STEVEN SMITH


and deposited in the United States mail, first-class postage prepaid, addressed to:

Thomas G. Lemon
Cavanaugh, Biggs & Lemon, P.A.
3200 SW Huntoon
Topeka, KS 66604



Staff
Kansas Commission on Peace Officers'
Standards and Training



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Case No. 2022-0021

NUNC PRO TUNC

Pursuant to K.S.A. 60-260


NOW, on this 12th day of September, 2022, this matter comes on for action by the Kansas Commission on Peace Officers' Standards and Training (Commission). The Commission moves to correct the Summary Order of Revocation on the case herein that by mistake, inadvertence, or oversight listed an incorrect BAC.

THEREUPON, after being duly advised, the Commission finds that due to inadvertence, mistake, or oversight, the last sentence in Paragraph Five of the Summary Order of Revocation should reflect:

Respondent submitted to a breath test, which revealed that his BAC was .089.

BE IT SO ORDERED.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

CERTIFICATE OF SERVICE

This is to certify that on the 12th day of September, 2021, a true and correct copy of the above and foregoing Nunc Pro Tunc was deposited in the United States mail, first class postage prepaid, addressed to:

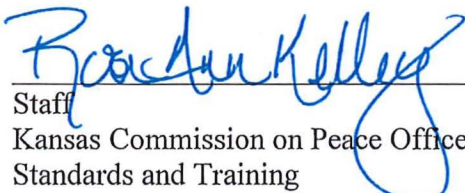
STEVEN SMITH


and deposited in the United States mail, first-class postage prepaid, addressed to:

Thomas G. Lemon
Cavanaugh, Biggs & Lemon, P.A.
3200 SW Huntoon
Topeka, KS 66604

and a copy hand-delivered to:

Central Registry
KS CPOST
1999 N Amidon
STE 350
Wichita, KS 67203



Staff
Kansas Commission on Peace Officers'
Standards and Training