



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

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In the Matter of)
)
WENDELL NICHOLSON)
 #11726)
_____)

Case No. 2022-0120

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Kansas Commission on Peace Officers' Standards and Training (Commission) action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of WENDELL NICHOLSON (Respondent).

STATEMENT OF FACTS

1. The Commission issued Respondent a full-time law enforcement certification, certification number 11726.
2. Respondent was employed as a full-time law enforcement officer with the Wichita Police Department (WPD) from July 19, 1993 to March 23, 2023.
3. Between October 23, 2021 and January 17, 2023, Respondent unlawfully and knowingly exceeded the limits of his authorization and copied, disclosed, or took possession of a computer, computer system, computer network or other property. Specifically, Respondent copied and disclosed

DEA KNR reports, AXON recordings, and WPD gang bulletins, morning reports, shooting reviews, emails, information bulletins, and a Professional Standard Bureau document. Respondent shared documents and reports that included suspect and victim information, location information, dates of birth, medical information, descriptions of ongoing investigations, video of an officer involved shooting, probable cause and felony warrant information, booking information, arrest information, and investigatory information.

4. Systems accessed by Respondent and documents disseminated by him were confidential by law or were subject to restrictions regarding their access and dissemination. Respondent had a text message group chat with non-law enforcement personnel in which he disclosed confidential information. There was no legitimate law enforcement purpose for these disclosures. One witness, who met Respondent through their children and had never been involved in law enforcement, indicated that he received confidential information from Respondent about once a week for years. Respondent was disciplined by the WPD on December 29, 2022 for a previous incident in which he disseminated criminal history records to an individual who was not authorized to receive such information.
5. Based on his conduct in paragraphs three and four, Respondent was criminally charged in the Eighteenth Judicial District Court, Sedgwick County, Case Number 2023-CR-628-FE, with eight counts of unlawful acts concerning computers, contrary to K.S.A. 21-5839(a)(3), a felony. Respondent entered a Diversion Agreement in the case.

CONCLUSIONS OF LAW

Fail to Maintain Minimum Requirements for Certification

6. 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.

Felony Conviction

7. K.S.A. 74-5605(b)(3) states that each applicant for certification shall not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense 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. Pursuant to K.S.A. 74-5605(d), a “conviction” includes any diversion agreement entered into on or after July 1, 1995, for a felony.
9. Due to his felony conviction, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Good Moral Character

10. 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.
11. 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.

12. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
13. 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.

Unprofessional Conduct

14. 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
15. K.A.R. 106-2-3(d) defines unprofessional conduct as willfully disclosing criminal history record information or other information designated as confidential by statute or regulation, except for a legitimate law enforcement purpose or when required by order of a court or agency of competent jurisdiction.
16. Respondent willfully disclosed criminal history record information or other information designated as confidential by statute or regulation. His disclosure was not related to a legitimate law enforcement purpose.

Summary Proceedings

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

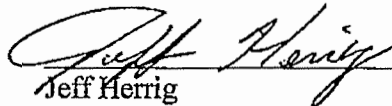
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of WENDELL NICHOLSON be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF WENDELL NICHOLSON 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 8 day of Aug., 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 8th day of August, 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, first-class postage prepaid with tracking, addressed to:

WENDELL NICHOLSON



Rose Ann Kelley
Staff
Kansas Commission on Peace Officers'
Standards and Training