

PROBABLE CAUSE COMMITTEE RECOMMENDATION TO COUNCIL

CASE NO. 002-537-12-17

1. KS is multi-certified (Basic Law Enforcement, Lidar (Laser) Operator, Radar Operator, Managerial Certificate, General Instructor).
2. Officer KS was employed with the most recent law enforcement unit from 02/18/2001, until his termination on 12-06-2017.
3. Officer KS is not currently employed by another law enforcement unit.
4. Officer KS self-reported his 01/21/2018, arrest on 01/22/2018.
5. Officer KS did submit a response to this investigation (see Attachment A).

CASE SUMMARY (AMENDED)

On or about 03/02/2017, the law enforcement unit was contacted by the FBI regarding weapons seized during the execution of a search warrant. Those weapons had previously been the property of the law enforcement unit. At the time of seizure, they were in the possession of an individual with a prior felony criminal record.

The weapons were traced to Officer KS, who had bought them during a weapon buy-back program, when the law enforcement unit transitioned to a different caliber pistol.

On 03/03/2017, Officer KS was notified that an administrative investigation was underway regarding an allegation of misconduct, and Officer KS was placed on administrative leave with pay. Officer KS's departmentally issued equipment was taken for forensic analysis, to include his MDT and his cell phone.

In his initial interview with internal affairs on 03/22/2017, Officer KS admitted to knowing TB, working in a bar owned by TB when he was in college, and working as a bouncer there. He stated he was told that TB "got locked up" and had been banished from the county in which he had previously owned the bar. Officer KS also stated he knew that TB had been convicted of kidnapping and burglary. Officer KS stated TB opened a bar in the city in which Officer KS lived, but it was in someone else's name because TB had "legal issues at the time."

Officer KS told internal affairs that while TB was in prison, the property upon which his bar was located was seized under eminent domain, and TB was paid over a million dollars. Officer KS stated to internal affairs that TB was attempting to "legitimize himself" as a business man in the new city and used money from payout as collateral to finance rental properties. Officer KS stated he learned this information directly from TB.

Officer KS told internal affairs that TB, through a third party, sought investors to in a restaurant in town. Officer KS further stated to internal affairs that he was "leery of risking money with a shyster" because he knew what TB was "capable of." Officer KS stated, "I was a business guy, too" and like to "invest and do stuff on the side." Officer KS told internal affairs that he did invest with TB. Their agreement was that the loan was interest free. Officer KS would benefit from the deal by getting a 50%

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discount on food at the restaurant for the life of the establishment. Officer KS stated he invested \$14,790 with TB. Officer KS said that over the years he had his wedding reception, his father's birthday, a Christmas party for the law enforcement unit, and other functions at the facility with 50% off each.

Officer KS further told internal affairs that he had an agreement with TB to provide lawn care services to all his rental properties at \$1,000 per cut twice a month. There was no contract; it was a handshake deal. Officer KS indicated he trusted TB.

At various points in the internal affairs interview, Officer KS stated that he received his original investment back "way above," and at other times, he stated he got paid by TB \$1000.00 per year for 7 years. Officer KS vacillated between stating he had recouped his initial investment to stating TB may still owe him between \$1500 and \$2000.

The FBI provided documents to the law enforcement unit which contradicted Officer KS's statements that he had not worked security for a county music star. Officer KS had applied with the law enforcement unit to work for the music star but was denied. Officer KS maintained he had taken annual leave to go with the star on tour, but he was not paid or compensated in any way for his presence. The FBI provided a document which indicated in 2016, Officer KS was listed as "labor expense (cash security)" and was paid \$3000.00. In 2015, Officer KS's name was listed in a column under "labor: expense (cash security) \$2500.00."

Officer KS told internal affairs that TB was a "friend to law enforcement," and he did not think he was putting his reputation at stake by associating with him, as TB had his rights restored. Officer KS further stated that he is the one that encouraged TB to seek legal counsel to have those rights restored.

Officer KS stated that the reason he was provided a rental car on the tour is because "some of the guys smoke marijuana on the buses," and the rental car allowed him to distance himself from that activity. Officer KS then stated there was no illegal activity going on back stage.

Officer KS was administered a polygraph examination regarding a key issue in the investigation: did he receive money for services allegedly rendered to the country music star? According to the polygraph examiner, Officer KS showed responses

indicative of deception on two questions regarding receipt of money for services.

The internal affairs investigation concluded that Officer KS legally obtained the firearms in question and legally sold those weapons to TB. Officer KS was found to have been untruthful to investigators regarding his off-duty employment with the country music star. Officer KS was found to have violated agency policy regarding off-duty employment and truthfulness. The relationship with TB was evaluated by internal affairs. The conclusion of the investigator was that Officer KS had been associating

with TB for years prior to his restoration of rights, which occurred on 02/11/2011. Officer KS had business and personal dealings with TB "as far back as 2003." The

investigator also concluded based upon the forensic analysis of Officer KS's departmentally issued cell phone, Officer KS had texted an individual stating he provided security for the country music star. Text messages were found between Officer KS and an officer from another state where a citation "from the beach" will "disappear by Monday." The investigator concluded the association with TB, the

improper use of departmentally issued equipment, the message found to "fix" a citation for a female acquaintance, and the "lack of veracity" during the internal investigation to be "disturbing." Officer KS was terminated.

Following Officer KS's termination, he reported an arrest to POST. On 01/21/2018, Officer KS was charged with Battery. Law enforcement was called by Officer KS's girlfriend, AF, after he "backhanded her in the face." The two were in a vehicle driving home from a party. AF said that Officer KS struck her when she tried to turn the radio down. After he struck her, she stated the two started "exchanging blows. She said she "could not take his blows," so she leaned back into the seat and began kicking him. According to AF, Officer KS then pulled the car over into the parking lot of a hotel and started "beating me in the head." During the assault, Officer KS struck her in the nose, causing it to bleed heavily. According to AF, when Officer KS saw her bleeding, he stopped hitting her and drove her to his home.

AF indicated to police that when they arrived at Officer KS's home, Officer KS went inside and got a towel, and began wiping the blood off the seat of his truck. AF called her friend who helped her leave the residence and meet with police. On 03/02/2018, the charge of Battery was nolle pressed upon completion of a pre-trial diversion program. Officer KS attended and completed "the integrity project."

Officer KS left Georgia and moved to Nebraska. There he petitioned the Nebraska Police Standards Advisory Council (PSAC) for "reciprocity training" in lieu of attending the entire police academy in Nebraska. Officer KS was hired by a sheriff's office. Officer KS's application was denied after the Director of PSAC inquired as to the certification status of Officer KS's Georgia POST certification, and learned that Officer KS failed to list on his application that his Georgia POST certification (license) was under review. Officer KS also failed to list his arrest for Battery. When asked about the omission of the Battery arrest, Officer KS testified he omitted his arrest because he "misunderstood the question" and thought it only pertained to convictions. The instructions on the application read in part, "[F]alsification or omission of information is grounds for denial to admission to an academy..." The instructions further state, "IF YOU HAVE ANY DOUBTS WHETHER SOMETHING OR SOME TYPE OF VIOLATION SHOULD BE INCLUDED, LIST IT ON THE AFFIDAVIT." The question on the affidavit to which Officer KS answered "no," is "have you ever, either as an adult or juvenile, been cited, arrested, charged, or convicted for a violation of any law (except moving traffic violations to be reported under the next question."

Another question on the personal history affidavit for the application in Nebraska asked "Have you ever had a professional license that you hold be under investigation?" Officer KS marked "no." When asked by the Director about his response, given his certification in Georgia is currently Under File Review, Officer KS stated he never considered his law enforcement certification to be a professional license.

Officer KS's admission to the police academy in Nebraska was denied based upon false statements he made on his personal affidavit, to which he attested as "true and correct to the best of" his knowledge and belief.

DISCIPLINARY HISTORY

None noted.

CRIMINAL HISTORY

See above.

VIOLATION

It is hereby asserted this individual is in violation of the following sections of O.C.G.A 35-8-7.1 (a)(2),(6),(7),(8),(11) as attached:

In accordance with O.C.G.A 35-8-7.1 (b) (1), the Probable Cause Committee makes the following recommendations to the Council:

Revoke Certification

Revoke Certification

Scott Maurer
Chairman, Probable Cause Committee
Date: July 8, 2020

Steve Hyman
Chairman, P.O.S.T. Council
Date: July 8, 2020