

**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

**DIRECTOR OF THE DEPARTMENT )  
OF PUBLIC SAFETY, )  
P.O. Box 749 )  
Jefferson City, MO 65102 )  
(573) 751-4905 )  
)  
Petitioner, )  
)  
v. )  
)  
**JEFFERY G. DURBIN,** )  
207 Northwest Street )  
Madison, MO 65263 )  
)  
Respondent. )**

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| <b>FILED</b><br>June 8, 2023<br>ADMINISTRATIVE<br>HEARING COMMISSION |
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**Case No.** \_\_\_\_\_

**COMPLAINT FOR DISCIPLINE OF PEACE OFFICER LICENSE**

COMES NOW the Director of the Department of Public Safety, by and through undersigned counsel, the Missouri Attorney General, and for her Complaint against Respondent, states as follows:

**General Allegations**

1. Petitioner is the Director of the Department of Public Safety (“Director”) who has the authority to issue, suspend or revoke peace officer license as outlined in Chapter 590 of the Revised Statutes of Missouri (“RSMo”)<sup>1</sup> and Title 11 of the Missouri Code of State Regulations (“CSR”).

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<sup>1</sup> All Statutory Citations are to the current Missouri Revised Statutes, unless otherwise indicated.

2. Respondent, Jeffery G. Durbin (“Respondent”) is licensed as a peace officer by the Missouri Department of Public Safety through the Peace Officer Standards and Training Program. Respondent currently holds license number 63301 Respondent’s license was valid and current as of the date of the filing of this Complaint and was so at all times relevant herein.

3. At all times relevant herein, Respondent was employed with the Missouri State Highway Patrol (“MSHP”).

4. Section 590.080.2, RSMo, states that when the Director has either actual or constructive knowledge of cause to discipline a peace officer, she may file a complaint with the Administrative Hearing Commission as provided by Chapter 621, RSMo.

5. Section 590.080, RSMo, provides, in pertinent part:

1. The director shall have cause to discipline any peace officer licensee who:  
    . . .
  - (2) Has committed any criminal offense, whether or not a criminal charge has been filed;

6. Pursuant to Chapters 590 and 621, RSMo, this Commission has original jurisdiction to receive this Complaint and ascertain whether cause exists for the Director to discipline Respondent’s peace officer license.

7. On or about March 23, 2023, the Respondent and victim, identified as E.J., were attending law enforcement training at the Hampton Inn and

Suites, in the City of Columbia, within the County of Boone. The Respondent and E.J. were also staying at the Hampton Inn and Suites during the law enforcement training.

8. That evening Respondent invited E.J. to dinner with him and other members of the MSHP.

9. After dinner, Respondent invited E.J. back to his hotel room to discuss the training. Prior to returning to the Hampton Inn and Suites, they stopped and purchased alcoholic beverages at a nearby gas station.

10. Sometime after arriving back to the Hampton Inn and Suites, E.J. met Respondent in his hotel room to discuss topics from the law enforcement training.

11. E.J. sat on a bench at the end of the bed while Respondent was seated at the desk. After E.J. arrived, a second person arrived in Respondent's hotel room and left after a while.

12. After the second person left, Respondent began getting closer to E.J. and put his feet on the bench where E.J. was seated. After putting his feet on the bench, Respondent would touch E.J. with his feet, causing her to move away.

13. Later, without reason, Respondent "smacked" E.J.'s "butt" causing her to feel uncomfortable and shocked. To which she responded something to the effect of "Woah!" or "Hey now!" to Respondent.

14. E.J. attempted to leave Respondent's hotel room, but, he cornered her between the wall and the door (on the handle side) and started to kiss her without E.J.'s consent. Causing E.J. to pull her head away and attempt to put distance between the two of them. Whereby, causing E.J. to feel more uncomfortable with him and in response, she tried to reason with him about his actions.

15. When E.J. opened the door to Respondent's hotel room and began to exit, her head was still in the room when he demanded that she come back into his room. When E.J. didn't return, Respondent grabbed her arm and pulled her back into the room. Once back in the room, Respondent put E.J. in the same corner as before, shut the door, and began to kiss her again.

16. After kissing her neck, Respondent commenced to pull down E.J.'s shirt and began to kiss her chest. While continuing to tell him no, E.J. tried to reason with him about his actions and attempted to create distance between the two of them.

17. A short time later, Respondent forced his hands inside E.J.'s *tied* sweatpants and began touching her vagina beneath her underwear, but did not penetrate her. Once again, E.J. continued to say no to the Respondent and in an attempt to stop the abuse, lowered her body and tried to pull his hand out of her

sweatpants. But, was unable to remove his hand because her sweatpants were tied and he was tight against her.

18. Then, Respondent asked E.J. “you don’t want it there?” At which time, Respondent removed his hand and put his hand in the back of E.J.’s pants. Respondent began to grab her butt and reached under her in an attempt to touch her vagina. Coming close to penetrating her, but did not.

19. E.J. again told Respondent that she was not comfortable with what was going on and wanted to leave. To which Respondent replied “fine”, removed his hand, and asked E.J. to stay with him.

20. E.J. finally left Respondent’s hotel room and returned to her hotel room.

21. On or about April 5, 2023, Respondent was charged by criminal complaint in the Circuit Court of Boone County, case no. 23BA-CR01361, with one (1) count of Sexual Abuse in the First Degree pursuant to § 566.100, RSMo, a class C felony and one (1) count of Kidnapping in the First Degree pursuant to § 565.100, RSMo, a class A misdemeanor.

**Count I: Sexual Abuse in the First Degree.**

22. The Director realleges and incorporates by reference paragraphs 1 through 9 as though fully set forth herein.

23. Section 566.100, RSMo, provides in pertinent part:

1. A person commits the offense of sex abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.
  2. The offense of sexual abuse in the first degree is a class C felony unless the age of the victim is less than fourteen years of age, or it is aggravated sexual offense, in which case it is a class B felony.
24. Section 566.010(6), RSMo, defines a sexual contact as:
- [A]ny touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching though the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim[.]
25. Section 556.061(27), RSMo, defines forcible compulsion as either:
- (a) Physical force that overcomes reasonable resistance; or
  - (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person.
26. By his conduct as set forth in paragraphs 1 through 21 of this complaint, Respondent committed the class C felony of Sexual Abuse in the First Degree, in violation of § 566.100.1, RSMo.
27. Respondent, by his conduct described in paragraphs 1 through 25 of this complaint, did knowingly subject E.J. to sexual contact by touching E.J.'s

vagina beneath her underwear by the use of forcible compulsion, in violation of § 566.100.1, RSMo. Therefore, cause exists to discipline Respondent's peace officer license pursuant to § 590.080.1(2), RSMo.

**Count II: Kidnapping in the First Degree.**

28. The Director realleges and incorporates by reference paragraphs 1 through 27 as though fully set forth herein.

29. Section 565.130, RSMo, provides:

1. A person commits the offense of kidnapping in the third degree if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty.
2. The offense of kidnapping in the third degree is a class A misdemeanor unless the person unlawfully restrained is removed from this state, in which case it is a class E felony.

30. By his conduct as set forth in paragraphs 1 through 28 of this complaint, Respondent committed the class A misdemeanor of Kidnapping in the First Degree, in violation of § 565.130, RSMo.

31. Respondent, by his conduct described in paragraphs 1 through 28 of this complaint, did knowingly and unlawfully restrain E.J. when she attempted to leave his hotel room, by grabbing her arm and pulling her back into the hotel room, placed her in a corner, and shut the door, so as to interfere substantially

with E.J's liberty, in violation of § 565.130, RSMo. Therefore, cause exists to discipline Respondent's peace officer license pursuant to § 590.080.1(2), RSMo.

WHEREFORE, in light of the foregoing, the Director prays that this Commission forthwith set this matter for evidentiary hearing and, after weighing the evidence corroborating this complaint, conclude that Respondent's peace officer license is subject to discipline.

Respectfully submitted,

**ANDREW BAILEY**  
Attorney General

*/s/ Richard N. Groeneman*

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