



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

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In the Matter of)
)
TERRY J. EBERLE)
 #4395)
_____)

Case No. 2017-0111

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 TERRY J. EBERLE (Respondent).

STATEMENT OF FACTS

1. Respondent holds a full-time law enforcement certification from the Kansas Commission on Peace Officers' Standards and Training (Commission), certification number 4395.
2. Respondent was employed as a full-time law enforcement officer with the WaKeeney Police Department from May 1, 1991 to October 3, 2017.
3. On May 3, 2017, Respondent was criminally charged with multiple felony counts in the District Court of Trego County, Kansas, case number 2017-CR-45.

4. On February 26, 2018, Respondent entered a plea agreement and was found guilty of one count of Official Misconduct, contrary to K.S.A. 21-6002, a severity level 8 nonperson felony, in case number 2017-CR-45.
5. On December 14, 2017, Respondent was criminally charged with multiple felony counts in the District Court of Trego County, Kansas, case number 2017-CR-182.
6. Respondent testified under oath at a preliminary hearing and subsequent jury trial in a criminal case. On both occasions, Respondent testified that he had not recorded interviews with suspects or witnesses, and that his office did not have a recording device to do so. Respondent had, in fact, recorded suspect interviews on department recording equipment prior to his testimony. Respondent's untruthful testimony was the basis for the criminal charges in case number 2017-CR-182.

CONCLUSIONS OF LAW

Felony Conviction

7. 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.
8. 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.
9. Due to his felony conviction in case number 2017-CR-45, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Good Moral Character

10. 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.
11. 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.
12. 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.
13. Respondent's conduct that resulted in criminal charges in cases 2017-CR-45 and 2017-CR-182 demonstrates a lack of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.

Conduct Constituting a Felony Crime

14. 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.
15. Respondent's conduct that resulted in a Diversionary Agreement in case number 2017-CR-182 constituted a felony crime under the laws of this state.

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 these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of TERRY J. EBERLEbe revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF TERRY J. EBERLEIS 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 30th day of May, 2018.

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 31st day of May, 2018, true and correct copies of the above and foregoing Summary Order of Revocation were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

TERRY J. EBERLE


TERRY J. EBERLE




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