



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

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In the Matter of )  
 )  
AARON NEWBERRY )  
 #30412 )  
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**Case No. 2018-0213**

**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 AARON NEWBERRY (Respondent).

**STATEMENT OF FACTS**

1. The Commission issued Respondent a provisional law enforcement certification, certification number 30412.
2. Respondent was employed as a full-time law enforcement officer with the Elwood Police Department (EPD) from March 5, 2018 to July 21, 2018.
3. Respondent was terminated from his employment with the EPD prior to completing an approved full-time basic course of instruction. Therefore, Respondent's provisional certification was automatically revoked pursuant

to K.S.A. 74-5607a. However, grounds for certification revocation also exist pursuant to K.S.A. 74-5616(b) and are appropriate in this case.

4. On July 21, 2018, while on-duty as a law enforcement officer with the EPD, Respondent transported a female arrestee to the jail. Respondent stuck his hand down the female's shirt and under her bra. Respondent asked the female if her breasts were real or fake. The female asked Respondent to stop.
5. Based on his conduct on July 21, 2018, Respondent was criminally charged in the District Court of Doniphan County, Case Number 2018-CR-60. On March 14, 2019, Respondent entered a plea agreement and was found guilty to one count of sexual battery, contrary to K.S.A. 21-5505, a class A person misdemeanor, and one count of mistreatment of a confined person, contrary to K.S.A. 21-5416, a class A person misdemeanor.

#### CONCLUSIONS OF LAW

##### Criminal Conduct

6. 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.
7. K.A.R. 106-2-2a(a)(7) 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 mistreatment of a confined person, as defined in K.S.A. 21-5416 and amendments thereto.

8. K.A.R. 106-2-2a(a)(12) 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 sexual battery, as defined in K.S.A. 21-5505 and amendments thereto.
9. On July 21, 2018, Respondent engaged in conduct that constituted mistreatment of a confined person and sexual battery.

#### 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 demonstrates a lack of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.

#### Summary Proceedings

14. 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**

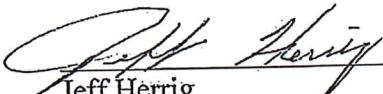
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of AARON NEWBERRY be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF AARON NEWBERRY 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 20<sup>th</sup> day of June, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING

  
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Jeff Herrig  
Chair, Investigative Committee

**NOTICE OF RELIEF FROM THIS SUMMARY ORDER**

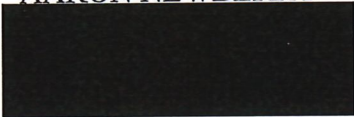
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission


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 20<sup>th</sup> day of June, 2019, 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:

AARON NEWBERRY



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