



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203  
Tel (316) 832-9906 • Fax (316) 832-9679

---

In the Matter of )  
 )  
MATTHEW CLEMONS )  
 #20230 )  
\_\_\_\_\_ )

Case No. 2018-0218

**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 MATTHEW CLEMONS (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 20230.
2. Respondent was employed as a full-time law enforcement officer with the Greenwood County Sheriff's Office (GCSO) from December 6, 2006 to August 13, 2018. Respondent was also employed as a part-time law enforcement officer from June 1, 2017 to August 1, 2018.
3. Respondent served as the evidence custodian for the GCSO.

4. The GCSO received information indicating that Respondent had taken home evidence that was supposed to be disposed of or destroyed pursuant to policy.
5. Greenwood County Sheriff Samuels contacted Respondent at his residence and inquired about the missing property. Respondent confessed that he had a circular saw in his garage that he had taken from GCSO evidence. Respondent stated that he had taken the saw in approximately August of 2016 when a tornado broke several windows in his house. Respondent took the saw without authority to do so and did not return the saw to evidence so that it could be placed in a department auction for public sale. Respondent retrieved the saw from his garage when requested to do so by the Sheriff. The value of the saw was less than \$1,500.00.
6. Based on his conduct as evidence custodian for the GCSO, a Commission interview with the Respondent was necessary to determine his continued suitability for law enforcement certification.
7. Commission Investigator George Brown called Respondent on August 17 and August 22, 2018. Respondent did not answer either call. On both calls, Investigator Brown left a voicemail directing Respondent to return the call. Respondent did not contact Investigator Brown.
8. Investigator Brown scheduled an interview for September 27, 2018 and notified Respondent by mail. The notice was sent both certified mail and first-class mail with tracking. Respondent signed for the certified letter on September 7, 2018. The letter sent by tracking shows that it was delivered to Respondent's residence on September 6, 2018. Respondent did not appear for the interview on September 27<sup>th</sup> and did not contact Investigator Brown to reschedule.

## CONCLUSIONS OF LAW

### Criminal Conduct

9. 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.
10. K.A.R. 106-2-2a(a)(26) 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 theft, as defined in K.S.A. 21-5801 and amendments thereto.
11. K.A.R. 106-2-2a(a)(28) 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 criminal deprivation of property, as defined in K.S.A. 21-5803 and amendments thereto.
12. Respondent's conduct of taking the saw without authority constitutes theft. In the alternative, his conduct constitutes criminal deprivation of property.

### Failure to Cooperate in Commission Investigation

13. Pursuant to K.S.A. 74-5616(b)(3), the Commission may revoke the certification of a police or law enforcement officer who provides false information or otherwise fails to cooperate in a Commission investigation to determine a person's continued suitability for law enforcement certification.

14. Respondent failed to cooperate in a Commission investigation to determine his continued suitability for law enforcement certification. Respondent did not contact Investigator Brown in response to voicemails requesting that he do so. Respondent received notification of a Commission interview but failed to appear or attempt to reschedule.

#### Good Moral Character

15. 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.

16. 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.

17. 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.

18. Respondent's conduct of converting GCSO evidence for personal use shows that he lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

#### Summary Proceedings

19. 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 MATTHEW CLEMONS be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF MATHEW CLEMONS 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 14<sup>th</sup> day of March, 2019.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING



Jeff Herrig  
Chair, Investigative Committee

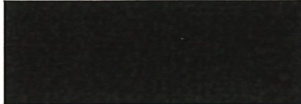
**NOTICE OF RELIEF FROM THIS SUMMARY ORDER**

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.

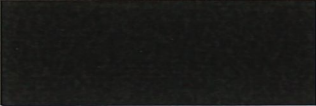
**CERTIFICATE OF SERVICE**


This is to certify that on the 14<sup>th</sup> day of March, 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:

MATTHEW CLEMONS



MATTHEW CLEMONS



  
\_\_\_\_\_

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