



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

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In the Matter of)
)
MICHAEL DUVALL) **Case No. 2018-0116**
#28715)
_____)

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 MICHAEL DUVALL (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 28715.
2. Respondent was employed as a full-time law enforcement officer with the La Harpe Police Department from October 19, 2016 to September 25, 2017.
3. Between October 22, 2016 and January 23, 2017, Respondent engaged in lewd fondling or touching of a child who was 14 or more years of age but less than 16 years of age, with the intent to arouse or to satisfy the sexual

desires of either the child or the offender, or both. Specifically, on several occasions, Respondent touched the victim outside her underwear and touched her breasts. The victim was 15 years of age at the time. Respondent also exposed his penis to the victim on several occasions.

4. Based on these incidents, Respondent was charged in the District Court of Allen County with one count of Indecent Liberties with a Child, contrary to K.S.A. 21-5506(a)(1), a severity level 5 person felony, in Case Number 2017-CR-000294. Respondent entered a plea agreement in which the Indecent Liberties with a Child count was amended to three counts of Sexual Battery, in violation of K.S.A. 21-5505, a class A person misdemeanor. Respondent entered a no contest plea and was found guilty of the three counts of Sexual Battery.

CONCLUSIONS OF LAW

Criminal Conduct

5. 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.
6. 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.

7. Between October 22, 2016 and January 23, 2017, Respondent engaged in conduct that constituted the felony crime of Indecent Liberties with a Child. In the alternative, Respondent engaged in Sexual Battery.

Good Moral Character

8. 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.
9. 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.
10. 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.
11. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
12. Respondent's conduct demonstrates a lack of good moral character sufficient to warrant the public trust in him as a police officer or law enforcement officer.

Summary Proceedings

13. 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

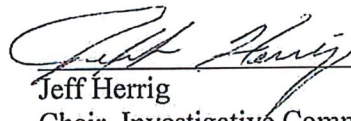
Based on these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of MICHAEL DUVALL be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF MICHAEL DUVALLIS 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 19th day of February, 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 19 day of Feb, 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:

MICHAEL DUVALL



MICHAEL DUVALL



A handwritten signature in blue ink that reads "Eva Smith".

Eva Smith
Kansas Commission on Peace Officers'
Standards and Training