



**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)
)
DESARAE HAYS) **Case No. 2020-0141**
#29938)
)
)

SUMMARY ORDER OF REVOCATION

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for action by the Kansas Commission on Peace Officers' Standards and Training (Commission) through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of DESARAE HAYS (Respondent).

STATEMENT OF FACTS

1. The Commission granted Respondent a full-time law enforcement certification, certification number 29938.
2. Respondent was employed as a full-time law enforcement officer with the Hutchinson Police Department (HPD) from July 10, 2017 to April 2, 2020.
3. The HPD received a complaint that Lt. Robert Rowe (Rowe) was having a sexual relationship with Respondent, his subordinate officer. The allegation, if true, may have constituted an HPD "Conflict of Interest"

policy violation. Therefore, the HPD opened an internal investigation regarding the relationship between Rowe and Respondent.

4. On March 4, 2020, HPD Captain Pickard interviewed Respondent. Respondent denied that she was involved in a dating or sexual relationship with Rowe. When asked where she was living, Respondent stated that she was between her friend Megan's house and her aunt's house. Respondent was specifically asked where she stayed on February 28 – March 1, 2020. Respondent stated that she had stayed at Megan's all three nights and repeated this claim throughout the interview. Additionally, Respondent stated that she had not gone on any overnight trips with Rowe. However, when questioned further, Respondent admitted that she and Rowe had spent the night at a hotel in the Kansas City area in November but claimed there were two beds in the room.
5. Following the interview, Captain Pickard interviewed Megan regarding the weekend of February 28 – March 1, 2020. Megan stated that Respondent stayed with her on February 29, but not on February 28 or March 1.
6. On March 4, 2020, Captain Pickard interviewed Rowe about his relationship with Respondent. Rowe stated that Respondent stayed with him on February 28 and March 1. He was unsure if she stayed with him on February 29.
7. Captain Pickard contacted the hotel where Respondent and Rowe stayed from November 29 – December 1, 2019. Both Rowe and Respondent stated in internal interviews that the hotel room had two beds. However, the hotel clerk confirmed that the room only had one bed.
8. On April 2, 2020, HPD Chief Hooper conducted a pre-disciplinary hearing with Respondent. Respondent presented a written statement at the hearing. In her statement, Respondent stated that she and Rowe were just friends and that she was not living with Rowe, although she admitted that she had stayed

with him a few times. During the pre-disciplinary hearing, Respondent denied that she and Rowe had a sexual or romantic relationship. When pressed, Respondent stated that she stayed at Rowe's house three to four times per week. When confronted with the fact that Megan denied that Respondent stayed with her on February 28 and March 1, Respondent admitted that she had stayed with Rowe on those dates and that her statements to Captain Pickard in the March 4 internal interview were false. Chief Hooper questioned Respondent about the November 2019 overnight trip to the Kansas City area. Respondent again stated that there were two beds in the hotel room. When confronted with the information from the hotel clerk, Respondent admitted that was a lie. Respondent became emotional and stated that she and Rowe are dating and they both knew it was wrong.

CONCLUSIONS OF LAW

Unprofessional Conduct – Dishonesty in Official Communication

9. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of any police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the Commission.
10. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as, except for a legitimate law enforcement purpose, intentionally using a false or deceptive statement in any official document or official communication.
11. Respondent was intentionally dishonest with Captain Pickard in an official investigation. She was also dishonest with Chief Hooper during a pre-disciplinary hearing. Her dishonesty was not related to a legitimate law enforcement purpose, but rather to cover for her romantic relationship that she knew to be in violation of HPD policy.

Good Moral Character

12. 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.
13. K.S.A. 74-5605(b)(5) states that each applicant for certification shall be of good moral character to warrant the public trust in the applicant as a police officer or law enforcement officer.
14. 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.
15. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that a law enforcement officer has failed to maintain good moral character.
16. Respondent's conduct shows that she lacks the personal qualities of integrity, honesty, conduct that warrants the public trust, and upholding the oath required for certification.

Summary Proceedings

17. 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 the Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of DESARAE HAYS be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF DESARAE HAYS IS HEREBY REVOKED.

FURTHER, Respondent is ordered to surrender and return to the Commission all evidence of her certification as a law enforcement officer.

DATED this 11th day of February, 2021.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

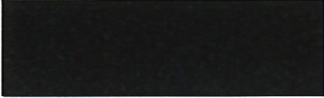
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

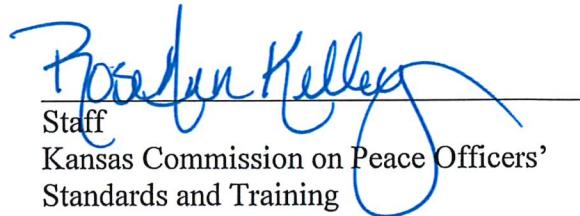
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 1st day of February, 2021, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, with tracking, addressed to:

DESARAE HAYS





Staff
Kansas Commission on Peace Officers'
Standards and Training