



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

1999 N. AMIDON, SUITE 350 • WICHITA, KANSAS 67203
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In the Matter of)	
)	
ROBERT DIERKS)	Case No. 2019-0132
#4010)	
)	

SUMMARY ORDER OF REPRIMAND

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 ROBERT DIERKS (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 4010.
2. Respondent was employed as a full-time law enforcement officer with the Montgomery County Sheriff's Office (MGSO) from June 4, 1991 to June 22, 2006. Respondent was elected as the Montgomery County Sheriff and served in that capacity from January 12, 2009 until he was ousted from office on January 6, 2020.

3. On January 27, 2018, MGSO Deputy Hurst stopped VS, whom he suspected of driving under the influence of alcohol. Deputy Hurst did so as part of his responsibilities as a deputy with the MGSO.
4. Prior to and during the January 27, 2018 encounter with Deputy Hurst, VS and Respondent had a close personal, social relationship.
5. During the January 27, 2018 vehicle stop, VS contacted Respondent by telephone and then gave the phone to Deputy Hurst. Following this, Deputy Hurst and Respondent had a conversation wherein Respondent attempted to persuade Deputy Hurst to discontinue his investigation and allow Respondent to pick up VS from the scene of the investigation and remove VS from the scene without an arrest.
6. Deputy Hurst declined Respondent's request to discontinue his January 27, 2018 investigation of VS and, upon establishing probable cause, arrested VS for driving her vehicle under the influence of alcohol. During Deputy Hurst's transport of VS to the county jail to continue his investigation, Respondent again contacted Deputy Hurst through his supervisor and attempted to persuade Deputy Hurst to abandon the arrest of VS.
7. Following the arrest of VS on January 27, 2018, an administrative hearing was scheduled for April 17, 2018 wherein the status of VS's driver's license would be at issue. At the request of VS, this hearing was later rescheduled for August 14, 2018. Deputy Hurst was a necessary witness for the State of Kansas in both scheduled administrative hearings and was in receipt of lawfully issued subpoenas by the Kansas Department of Revenue.
8. Between January 27, 2018 and August 14, 2018, Respondent contacted several individuals, including Deputy Hurst's immediate supervisors, MGSO Sergeant Jeremy Hunsucker and MGSO Undersheriff Richard George, and attempted to obtain their assistance in persuading Deputy Hurst not to attend or testify at the April 17, 2018 and August 14, 2018 administrative hearings.
9. Based on the information above in paragraphs 3 – 8, Respondent was criminally charged in the District Court of Montgomery County, Case Numbers 2019-CR-126-I and 2019-CR-

453-I, with one count of Interference with Law Enforcement, contrary to K.S.A. 21-5904, or in the alternative, Attempted Interference with Law Enforcement, and one count of Intimidation of a Witness or Victim, contrary to K.S.A. 21-5909. On January 6, 2020, an Order of Ouster from Public Office was filed in the District Court of Montgomery County, Case Number 2019-CV-24-I. Respondent stipulated to the Statement of Facts in the Order, which are substantially similar to the facts set forth above in paragraphs 3 – 8. In conjunction with the district court's acceptance of the Order of Ouster from Public Office, which was agreed upon by Respondent and the State of Kansas, the criminal case pending against Respondent was dismissed.

CONCLUSIONS OF LAW

Criminal Conduct

10. Pursuant to K.S.A. 74-5616(b)(5), the Commission may suspend, condition, revoke, reprimand, censure, or deny 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.
11. K.A.R. 106-2-2a(a)(35) 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 interference with law enforcement, as defined in K.S.A. 21-5904, and amendments thereto.
12. K.A.R. 106-2-2a(a)(39) 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 intimidation of a witness or victim, as defined in K.S.A. 21-5909, and amendments thereto.

13. Respondent's conduct constitutes 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. Respondent's conduct constitutes interference with law enforcement and intimidation of a witness or victim.

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 the above Statement of Facts and Conclusions of Law, the Commission orders that a reprimand be issued to ROBERT DIERKS.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING HEREBY REPRIMANDS ROBERT DIERKS.

DATED this 17th day of February, 2021.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

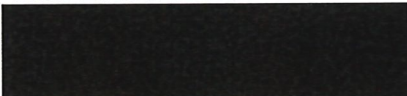
NOTICE OF RELIEF FROM THIS SUMMARY ORDER

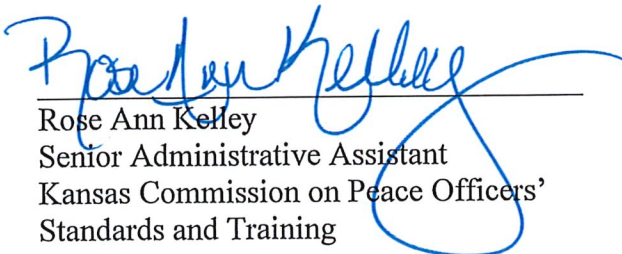
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 18th day of February, 2021, a true and correct copy of the above and foregoing Summary Order of Reprimand 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:

ROBERT DIERKS





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