



**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)
)
TOBY OSBURN) **Case No. 2017-0189**
#22136)
_____)

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 TOBY OSBURN (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 22136.
2. Respondent was employed as a full-time law enforcement officer with the Dickinson County Sheriff's Office (DCSO) from October 1, 2007, to October 18, 2017.
3. In January 2017, a DCSO deputy seized \$72,020 during an interdiction traffic stop. The deputy placed the money in an evidence storage locker. Several days later, Respondent, who served as the Evidence Custodian, transferred the money to the evidence room. Respondent notated the wrong evidence locker when completing the evidence custody

receipt, which does not show any further transfers after the money was placed in the evidence room. On May 22, 2017, after the underlying criminal case had been resolved, Respondent went to retrieve the currency but was unable to locate it. In addition to Respondent, four other DCSO officers had keys to the evidence room, which was also used to store patrol rifles. There was another key that was kept in a lock box with the patrol car keys.

4. The Kansas Bureau of Investigation (KBI) conducted a criminal investigation regarding the missing money. Respondent denied taking the money or knowing who did. However, Respondent submitted to a polygraph examination and deception was indicated when Respondent answered three pertinent questions. The criminal case was declined for prosecution in July 2019 and closed by the KBI in January 2020.
5. Based on the information in paragraphs three and four, a Commission interview with Respondent was necessary to determine his continued suitability for law enforcement certification.
6. Commission Investigator Bruce Mellor made multiple unsuccessful attempts to contact Respondent to schedule an interview. Investigator Mellor eventually scheduled an interview with Respondent for July 16, 2021. Notice of the interview was mailed to Respondent's last known address via Certified Mail with Restricted Delivery. Respondent signed for the notice on July 6, 2021. Respondent did not appear for the interview on July 16, 2021, and did not otherwise contact Investigator Mellor or attempt to reschedule the interview.

CONCLUSIONS OF LAW

Failure to Cooperate in Commission Investigation

7. 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.
8. Respondent failed to cooperate in a Commission investigation to determine his continued suitability for law enforcement certification.

Summary Proceedings

9. 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

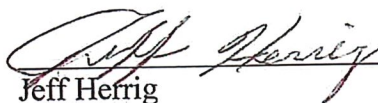
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of TOBY OSBURN be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF TOBY OSBURN 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 17th day of November, 2021.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

NOTICE OF RELIEF FROM THIS SUMMARY ORDER

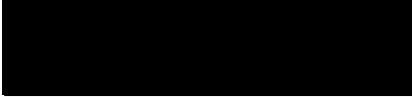
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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.

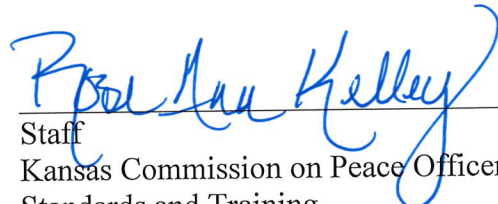
Tabby Osburn

CERTIFICATE OF SERVICE

This is to certify that on the 17th day of November, 2021, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, prepaid, return receipt requested, and deposited in the United States mail, first class postage prepaid with tracking, addressed to:

TOBY OSBURN





Staff
Kansas Commission on Peace Officers'
Standards and Training