



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

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In the Matter of

CHAD CLARY
#2852

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Case No. 2022-0001

SUMMARY ORDER OF REPRIMAND

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, *et seq.*, regarding the law enforcement certification of CHAD CLARY (Respondent).

STATEMENT OF FACTS

1. Respondent holds a certification from the Commission, certification number 2852.
2. Respondent began law enforcement employment in Kansas in 1997. He is currently employed as a full-time law enforcement officer as the Sheriff of Doniphan County.
3. K.S.A. 74-5607a(b) states that, "beginning the second year after certification, every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training in subjects relating directly to law enforcement." Throughout Respondent's Kansas law enforcement career, the Commission has interpreted the period of compliance

for the annual in-service training requirement to run from July 1 to June 30 of each year. While this is published in a document entitled the “In-Service Training Guidelines for Kansas Law Enforcement” and published on the Commission website, the Guidelines have yet to be codified as a rule or regulation. Therefore, in a previous decision, the Commission Hearing Panel utilized a “calendar year” standard, running from January 1 through December 31 of each year, when interpreting the annual in-service training requirement. *See In the Matter of Matthew Honas, Case Number 2018-0252 (not designated as precedent)*. Although the Commission is in the process of adopting a rule or regulation to define the annual in-service training requirement as July 1 through June 30 (training year), this process is not yet complete. Therefore, the Commission has analyzed the Respondent’s training hours by both a calendar year and training year standard. Respondent has failed to obtain the statutorily required hours under either analysis.

4. Respondent submitted 45 hours for the 2019 calendar year (January 1 through December 31, 2019). Respondent submitted 37 hours for the 2019 training year (July 1, 2018 through June 30, 2019). Although Respondent met the calendar year standard, he was delinquent from a training year standard, by which the Commission operated at the time.
5. Respondent submitted 21 hours for the 2020 calendar year (January 1 through December 31, 2020). Respondent submitted 27 hours for the 2020 training year (July 1, 2019 through June 30, 2020). However, due to Covid-19, the Commission modified the 40-hour training requirement to 28 hours for training year 2020. Nevertheless, Respondent did not meet the 2020 training requirement for either the calendar year or the training year, even with a 12-hour reduction. However, Respondent was granted an extension for the one hour he needed to be compliant with the 2020 training year.
6. Respondent submitted 28 hours for the 2021 calendar year (January 1 through December 31, 2021). Respondent submitted 30 hours for the 2021 training year (July 1, 2020 through June 30, 2021). Respondent did not meet the 2021 training requirement by either the calendar year or the training year.

7. Respondent was contacted by Commission Investigator George Brown on December 20, 2021, regarding his training hour delinquency. However, Respondent's last training entry is from June 14, 2021. Respondent remains short on hours from both a calendar and training year standpoint.

CONCLUSIONS OF LAW

8. Pursuant to K.S.A. 74-5616(b)(1), the Commission may suspend, condition, or revoke the certification of a police officer or law enforcement officer, reprimand or censure a police or law enforcement officer, or deny the certification of a police officer or law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605 or K.S.A. 74-5607a, and amendments thereto.
9. K.S.A. 74-5607a(b) states that beginning the second year after certification, every full-time police officer or law enforcement officer shall complete annually 40 hours of law enforcement education or training in subjects relating directly to law enforcement. Failure to complete such training shall be grounds for suspension of a certificate issued under the Kansas law enforcement training act until such training is completed.
10. Respondent has not met his 2021 training requirement.
11. 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

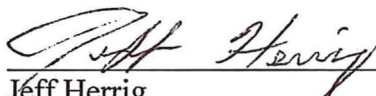
Based on Respondent failing to complete the training requirement for 2021, the Commission orders that a reprimand be issued.

Respondent shall complete twelve hours of 2021 training hours by March 15, 2022, or he may be subject to further certification action by the Commission.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING ISSUES A REPRIMAND TO CHAD CLARY.

DATED this 8th of February, 2022.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chairperson, 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 8th day of February, 2022, true and correct copies of the above and foregoing Summary Order were deposited in the United States mail, certified, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

CHAD CLARY
Doniphan County Sheriff's Office
PO Box 32
105 S Liberty ST
Troy, KS 66087-0032



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