



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

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In the Matter of)
)
KENNETH HIGLEY)
 #07069)
)

Case No. 2019-0174

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 KENNETH HIGLEY (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 07069.
2. Respondent was employed as a full-time law enforcement officer with the Rawlins County Sheriff's Office from September 10, 1996, to January 10, 2005, and was employed as the Rawlins County Sheriff from January 9, 2017, to January 11, 2021.
3. On multiple occasions, Respondent, having control of public money by virtue of his official position, used public money in a manner not authorized by law. For example, in March 2018, Respondent took \$100.00 from the commissary funds and gave it to his

daughter. On other occasions, Respondent took money from the commissary funds to pay for meals for his family. Respondent's use of the commissary funds constitutes Misuse of Public Funds, contrary to K.S.A. 21-6005.

4. Respondent used county vehicles exclusively for private benefit or gain to pick up groceries, transport his children, and drive to his personal land. Respondent's use of county vehicles in this manner constitutes Official Misconduct, contrary to K.S.A. 21-6002.
5. Following an investigation completed by the Kansas Bureau of Investigation, Respondent entered into a Consent Judgment for violations of the Kansas False Claims Act, K.S.A. 75-7502, *et seq.*, in the District Court of Rawlins County, Case Number 2021-CV-10. Pursuant to the Journal Entry of Consent Judgment, Respondent agreed to revocation of his law enforcement certification in Kansas and is permanently restrained and enjoined from seeking, obtaining, and holding employment as a law enforcement officer. He is further permanently prohibited under the Consent Judgment from making application to the Commission for reinstatement.

CONCLUSIONS OF LAW

Criminal Conduct

6. 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.
7. K.A.R. 106-2-2a(a)(45) 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 official misconduct, as defined in K.S.A. 21-6002, and amendments thereto.

8. K.A.R. 106-2-2a(a)(46) 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 misuse of public funds, as defined in K.S.A. 21-6005, and amendments thereto. Additionally, misuse of public funds constitutes a felony if the aggregate amount of money paid or claimed in violation of the statute is at least \$1,000.00.
9. 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 official misconduct and misuse of public funds.

Good Moral Character

10. 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.
11. 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.
12. 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.
13. Respondent's conduct shows that he lacks the personal qualities of integrity, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath required for certification.

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 the Kansas Law Enforcement Officer Certification of KENNETH HIGLEY be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF KENNETH HIGLEY 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 9th day of February, 2022.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING



Jeff Herrig
Chair, Investigative Committee

NOTICE OF RELIEF FROM THIS SUMMARY ORDER

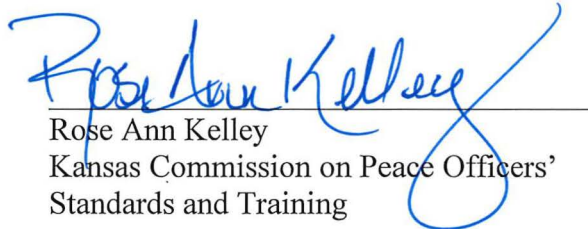
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 9th day of February, 2022, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, certified, postage prepaid, return receipt requested, and deposited in the United States mail, first class postage prepaid, addressed to:

KENNETH HIGLEY





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