



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

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In the Matter of)
)
STEPHEN HEINEN) **Case No. 2021-0164**
#30906)
_____)

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 STEPHEN HEINEN (Respondent).

STATEMENT OF FACTS

1. The Kansas Commission on Peace Officers' Standards and Training (Commission) granted full-time certification to Respondent, certification number 30906.
2. Respondent was employed as a full-time law enforcement officer with the Elk County Sheriff's Office (ECSO) from November 7, 2018, to May 4, 2021.
3. On April 28, 2021, the Elk County Sheriff and Undersheriff were out of the office at a training. Respondent used his agency issued vehicle unlock tools to break into the Undersheriff's patrol vehicle. Respondent accessed the vehicle engine compartment and then connected a tow strap to the vehicle. Respondent used his own patrol vehicle to tow

the Undersheriff's patrol vehicle across the street. Respondent caused approximately \$2,422.69 in damage to the Undersheriff's patrol vehicle during this act. Respondent was initially dishonest with the Sheriff about why he moved the vehicle and whether he caused the damage to it. Respondent later claimed that he moved the vehicle as a prank. However, Respondent made multiple disparaging comments about the Undersheriff to other ECSO employees and expressed his opinion that Respondent should have been selected for the undersheriff position. Based on his actions, Respondent was terminated from the ECSO and directed to return all agency property, including a K9, Anna, for whom he had been the assigned handler. Respondent refused to return Anna, claiming that she was given to him by the Sheriff.

4. Based on Respondent's conduct in paragraph three, he was criminally charged in in the Elk County District, Case Number 2021-CR-35, with one count of felony theft, contrary to K.S.A. 21-5801, one count of felony criminal damage to property, contrary to K.S.A. 21-5813, one count of burglary of a motor vehicle, contrary to K.S.A. 21-5807, and an unclassified misdemeanor regarding damaging an unattended vehicle. Respondent was subsequently charged in Case Number 2021-CR-38 with interference with law enforcement, contrary to K.S.A. 21-5904, for refusing a felony summons on June 11, 2021. Respondent eventually returned the K9, Anna, and entered a plea agreement. Respondent was ultimately convicted of one count of misdemeanor criminal deprivation of property, contrary to K.S.A. 21-5803, in Case Number 2021-CR-35, and one count of misdemeanor interference with law enforcement in Case Number 2021-CR-38.

CONCLUSIONS OF LAW

Criminal Conduct

5. 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.

6. K.A.R. 106-2-2a(a)(28) 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 criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto.
7. 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.
8. Respondent's conduct constitutes a felony crime and misdemeanor crimes 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 felony criminal damage to property and misdemeanor criminal deprivation of property and interference with law enforcement.

Good Moral Character

9. 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.
10. 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.
11. 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. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that a licensee lacks or has failed to maintain good moral character.

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

Summary Proceedings

13. 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

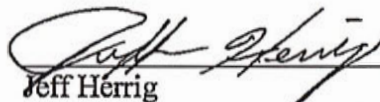
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of STEPHEN HEINEN be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF STEPHEN HEINEN 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 31st day of October, 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 31st day of October, 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:

STEPHEN HEINEN





Staff
Kansas Commission on Peace Officers'
Standards and Training