



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

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In the Matter of	)	
	)	
<b>WALLACE SIMMONS</b>	)	<b>Case No. 2020-0214</b>
#14834	)	
_____	)	

**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 WALLACE SIMMONS (Respondent).

**STATEMENT OF FACTS**

1. The Kansas Commission on Peace Officers’ Standards and Training (Commission) granted full-time certification to Respondent, certification number 14834.
2. Respondent began law enforcement employment in Kansas in 1984. He was employed as a part-time law enforcement officer with the Cherryvale Police Department (CPD) from August 31, 2013 to April 12, 2016. He was employed as a full-time law enforcement officer with the CPD from April 12, 2016 to October 2, 2020.
3. On August 6, 2020, J.W., a juvenile female, was in the park with other teenagers. The teenagers were approached by Respondent and another CPD officer and asked if they had

been involved in a fight. J.W. and the other teenagers present denied their involvement. As the CPD officers continued to question the juveniles, J.W. made statements to her friends regarding whether they were required to speak with the officers. Respondent and J.W. argued about J.W.'s rights when Respondent grabbed her in a rude and aggressive manner by the arms and lifted her up. Respondent then took J.W. to his patrol vehicle and placed her against the back. J.W. did not know if she was being detained or under arrest. After verbally engaging with the other teenagers, Respondent announced that the park was closed. He then pushed J.W. away from his vehicle and said, "Bye." Respondent did not give J.W. any verbal instructions prior to placing his hands on her.

4. Respondent was verbally aggressive with multiple juveniles throughout his investigation at the park. Upon first contact with a fourteen-year-old female, Respondent immediately exited his car and stated, "Your little ass is about ready to go to jail." During his interaction with J.W. and her friends, Respondent stated, "Who is this loudmouth? What is your problem? You think you can open your big fat mouth and start hollering things out at us? . . . You gonna cop a goddamn attitude with me and I'll show you what's going to happen to your little mutt. I'll deal with all you kids, I'll put an end to it. By god I will."
5. Based on Respondent's conduct in paragraphs three and four, the case was reviewed to determine if he would face criminal charges for his actions against J.W. The City of Cherryvale resolved the case through a "pre-charging diversion."
6. Based on the information in paragraphs three through five, a Commission interview with Respondent was necessary to determine his continued suitability for law enforcement certification. Commission Investigator Richard Powell determined that the nature of the investigation required an in-person interview and notified Respondent of the time and date. Investigator Powell rescheduled the interview for Respondent on multiple occasions. Ultimately, Respondent did not appear for any scheduled interviews and did not cooperate with the interview process.

## CONCLUSIONS OF LAW

### Criminal Conduct

7. 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.
  
8. K.A.R. 106-2-2a(a)(6) 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 battery, as defined in K.S.A. 21-5413, and amendments thereto.
  
9. Respondent's conduct constitutes a misdemeanor crime that the Commission determines reflects on his honesty, trustworthiness, integrity, or competence as defined by rules and regulations of the Commission. Respondent's conduct constitutes battery against J.W.

### Unprofessional Conduct

10. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of any police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the Commission.
  
11. K.A.R. 106-2-3(f) defines unprofessional conduct as using excessive physical force in carrying out a law enforcement objective. As used in this subsection, physical force shall be deemed excessive if it is greater than what a reasonable and prudent officer would use under the circumstances.
  
12. Respondent utilized excessive force against J.W.

Failure to Cooperate in Commission Investigation

13. 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.
14. Respondent failed to cooperate in a Commission investigation to determine his continued suitability for law enforcement certification.

Good Moral Character

15. 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.
16. 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.
17. 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.
18. 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.
19. Respondent's conduct shows that he has failed to maintain good moral character sufficient to warrant the public trust in him as a law enforcement officer.

Summary Proceedings

20. 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**

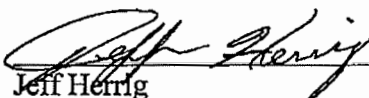
Based on the above Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of WALLACE SIMMONS be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF WALLACE SIMMONS 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 8 day of May, 2023.

KANSAS COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING

  
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Jeff Herrig  
Chair, Investigative Committee

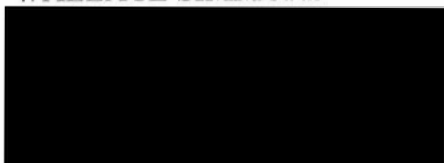
**NOTICE OF RELIEF FROM THIS SUMMARY ORDER**

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 11<sup>th</sup> day of May, 2023, 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, with tracking, postage prepaid, addressed to:

WALLACE SIMMONS



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