



**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 )  
 )  
**BREANNA PENCE** )  
 #30832 )  
\_\_\_\_\_ )

**Case No. 2023-0062**

**SUMMARY ORDER OF REVOCATION**

Pursuant to K.S.A. 77-537

The above-captioned matter comes on for Kansas Commission on Peace Officers’ Standards and Training (Commission) action through a summary proceeding under the Kansas Administrative Procedures Act, K.S.A. 77-537, regarding the law enforcement certification of BREANNA PENCE (Respondent).

**STATEMENT OF FACTS**

1. The Commission issued Respondent a full-time law enforcement certification, certification number 30832.
2. Respondent was employed as a full-time law enforcement officer with the Douglas County Sheriff’s Office from October 7, 2018, to May 8, 2023.
3. On October 31, 2020, Respondent attended a Halloween party with her domestic partner, M.H. Respondent drank a fifth of liquor and became belligerent. While M.H. attempted to take Respondent home, she struck him multiple times with a palm strike. After falling, Respondent kicked

M.H. in the arm and foot and said, “Get the fuck away from me, rookie.” Respondent used the wooden baseball bat she was carrying for her costume to strike M.H. in the ribs. Later, Respondent kicked M.H. in the groin hard enough that he urinated blood the next day.

4. Based on her conduct toward M.H. on October 31, 2020, Respondent was criminally charged in the Douglas County District Court with one count of domestic battery, contrary to K.S.A. 21-5414, Case Number DG-2023-CR-000379. Respondent entered into a Diversion Agreement in the case.

### CONCLUSIONS OF LAW

#### Fail to Maintain Minimum Requirements for Certification

5. 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.

#### Conviction for a Misdemeanor Crime of Domestic Violence

6. K.S.A. 74-5605(b)(3) states that each applicant for certification shall not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense 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. Pursuant to K.S.A. 74-5605(d), a conviction includes any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence.
8. K.S.A. 74-5602(j) defines misdemeanor crime of domestic violence to include a violation of domestic battery as provided by K.S.A. 21-5414.

9. Due to her conviction for a misdemeanor crime of domestic violence, Respondent fails to meet and maintain the requirements of K.S.A. 74-5605.

Good Moral Character

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.
12. Pursuant to K.A.R. 106-2-4(b), any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.
13. Respondent's conduct shows that she has failed to maintain good moral character sufficient to warrant the public trust in her as a law enforcement officer.

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 these Statement of Facts and Conclusions of Law, the Commission orders that the Kansas Law Enforcement Officer Certification of BREANNA PENCE be revoked.

ACCORDINGLY, THE KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING CERTIFICATE OF BREANNA PENCE IS HEREBY REVOKED.

FURTHER, Respondent is ordered to surrender and return to the Commission all evidence of her certification as a law enforcement officer.

DATED this 19<sup>th</sup> day of October, 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**

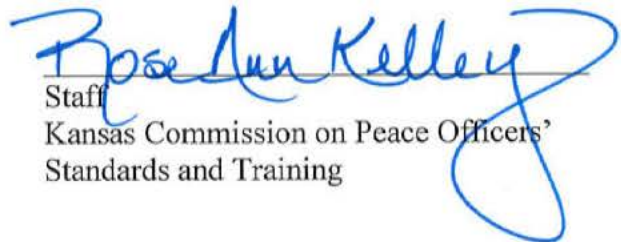
Pursuant to K.S.A. 77-537, the Summary Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for a hearing to the Kansas Commission on Peace Officers' Standards and Training, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. This written request must 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 18<sup>th</sup> day of October 2023, a true and correct copy of the above and foregoing Summary Order of Revocation was deposited in the United States mail, postage prepaid, with tracking, and addressed to:

BREANNA PENCE



  
Staff  
Kansas Commission on Peace Officers'  
Standards and Training