

State of Alaska
Alaska Police Standards Council
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Juneau, Alaska 99811-1200

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
)
 KC McKay Tillery,) APSC No. 2017-26
)
 Respondent,)
 _____)

ORDER OF REVOCATION

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 7th day of May, 2018, and having reviewed and discussed the Accusation against the Respondent, which was served March 3, 2018, in accordance with AS 44.62.380, takes official notice that a Notice of Defense or a Request for Hearing has not been received from Respondent as required by AS 44.62.390. The Council also takes official notice that under AS 44.62.530, if the Respondent does not file a Notice of Defense, the Council may take action based upon other evidence and an Accusation may be used without notice to the Respondent.

Accordingly, the Council has considered the Accusation dated February 28, 2018.

Based on the Council's consideration of the facts recited in the referenced Accusation,

IT IS HEREBY ORDERED

1. That the allegations made in the Accusation against the Respondent dated February 28, 2018, are hereby adopted and the Accusation is made, by reference, a part of this Order as though set forth fully herein.
2. That the Respondent's State of Alaska Correctional Officer certification is hereby revoked; and
3. That this Order of Revocation shall take effect in accordance with AS 44.62.520(a).

DATED this 7th day of May 2018.



Kelly Swihart, Chairman
Alaska Police Standards Council

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

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| In the Matter of: |) | |
| |) | |
| KC McKay Tillery, |) | No. APSC 2017-26 |
| |) | |
| Respondent |) | |
| _____ |) | |

ACCUSATION

Sarah Hieb, Administrative Investigator of the Alaska Police Standards Council (APSC), State of Alaska, is seeking to revoke the correctional officer certificate of Respondent KC McKay Tillery under the legal authority of AS 18.65.245(2), the Council’s regulations in 13 AAC 85.270, and under the procedures governed by the Administrative Procedure Act in AS 44.62.330, *et. seq.* The Administrative Investigator alleges as follows:

1. On or about March 7, 2013, the Respondent was hired by the Alaska Department of Corrections (DOC) as a correctional officer.
2. On or about May 30, 2014, the Respondent was certified by APSC as a correctional officer in the State of Alaska.
3. On or about August 21, 2017, Respondent took a polygraph exam as part of the hiring process for a federal law enforcement agency. During the examination, Respondent admitted to smoking marijuana in late Spring of 2014, March to May, while at a fellow correctional officer's residence. He admitted to again smoking marijuana at the same residence, with the same correctional officer, approximately 3-4 months later.

4. On or about September 27, 2017, DOC Human Resources interviewed Respondent regarding the admissions in the polygraph report. Respondent confirmed he smoked marijuana while at a residence in the Wasilla area twice on the same day, sometime in late Spring (March to June) of that year, but said it was not with the fellow correctional officer he had previously named during the polygraph examination. He declined to provide the person's name he smoked marijuana with to DOC, saying that, while the person was not under the purview of DOC, they could lose their job for smoking marijuana. He said the other person provided the marijuana.

5. On or about October 18, 2017, Respondent resigned from his position as a correctional officer with the Alaska Department of Corrections. The APSC received documentation from the Department of Corrections that indicated the Respondent was under investigation for wrongdoing at the time of his resignation and recommended the Respondent be de-certified.

6. AS 18.65.245(2) provides that the APSC may revoke the certificate of a correctional officer who fails to meet the standards adopted under AS 18.65.242(a).

7. 13 AAC 85.270(b)(2)(A) provides that the council will revoke a basic certificate upon a finding that the holder of the certificate has, after hire as a correctional officer, used marijuana.

8. 13 AAC 85.270(b)(3) provides that the council will revoke a basic certificate upon a finding that the holder of the certificate has, been discharged, or resigned under threat of discharge, from employment as a correctional officer in this state for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the

laws of this state and the Unites States or that is detrimental to the integrity of the correctional agency where the officer worked.

COUNT I

Paragraphs 1-8 are incorporated by reference. Based upon the facts described above, the Respondent used marijuana after hire as a correctional officer, which is grounds for mandatory revocation under 13 AAC 85.270(b)(2)(A).

COUNT II

Paragraphs 1-8 are incorporate by reference. Based upon the facts described above, Respondent resigned while under threat of discharge as a correctional officer with State of Alaska Department of Corrections for conduct that would cause a reasonable person to have substantial doubt about Respondent's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the State of Alaska Department of Corrections where the Respondent worked, which is grounds for mandatory revocation under 13 AAC 85.270(b)(3).

DATED this 28th of February, 2018, at Juneau, Alaska.

Sarah Hieb, Administrative Investigator
Alaska Police Standards Council