

STATE OF ALASKA  
ALASKA POLICE STANDARDS COUNCIL

In The Matter of )  
 )  
ROBERT H. HARPER, )  
 )  
Applicant. )  
\_\_\_\_\_ )

No. APSC 90-9

DENIAL OF APPLICATION FOR  
POLICE OFFICER CERTIFICATION

Jack W. Wray, Administrator of the Alaska Police Standards Council, Department of Public Safety of the State of Alaska, under authority of AS 18.65.220(5), denies the application by Robert H. Harper for certification as a police officer pursuant to AS 18.65.220(1)-(2), AS 18.65.240(a)(2), AS 18.65.240(c), AS 18.65.270, AS 44.62.330 et seq., 13 AAC 85.010(a)(3), 13 AAC 85.040(b)(2), 13 AAC 85.100(a)(2), 13 AAC 85.100(a)(3), and 13 AAC 85.900(7)(D).

The Administrator finds that:

1. On or about September 8, 1980, the applicant was hired as a part-time police officer by the North Pole Police Department.

2. On or about February 4, 1981, the applicant was promoted to a full-time police officer position with the North Pole Police Department.

3. On or about January 15, 1982, the applicant submitted an application to the Alaska Police Standards Council for a police officer certificate.

*State of Alaska  
Alaska Police Standards Council  
Dovich v. Wray, Alaska 9080*

1  
2  
3 4. On or about February 23, 1982, the applicant was  
4 certified as a police officer in the State of Alaska.

5 5. On or about March 21, 1984, the applicant was  
6 discharged for cause from employment as a police officer for  
7 the North Pole Police Department. The reason cited was  
8 "numerous deficiencies in job performance."  
9

10 6. On or about March 21, 1985, the applicant's  
11 certificate as a police officer in the State of Alaska lapsed.

12 7. On or about September 16, 1986, the applicant was  
13 hired as an Airport Safety Officer for the Fairbanks  
14 International Airport police department.  
15

16 8. In November of 1987, the Fairbanks City Police  
17 contacted the Chief of Airport Security officers for the  
18 Fairbanks International Airport about an incident involving  
19 the applicant's abuse of alcohol.  
20

21 9. On or about June 15, 1988, the applicant was arrested  
22 by the Alaska State Troopers and charged with driving while  
23 intoxicated. On or about September 19, 1988, the applicant  
24 was convicted of this offense.  
25

26 10. On or about August 11, 1988, the applicant resigned  
27 his employment, effective September 15, 1988, as an Airport  
28 Safety Officer for the Fairbanks International Airport police  
29 department.  
30

31 11. On or about August 14, 1988, the applicant submitted  
32 a written request to withdraw his notice of resignation.

12. On or about August 17, 1988, Airport Manager Chris  
Birch denied the applicant's request to withdraw his  
resignation.

1  
2  
3 13. On or about September 9, 1988, Airport Manager Chris  
4 Birch notified the applicant that an Administrative  
5 Investigation had revealed the applicant's continued  
6 alcohol-related behavior pattern, continued violation of  
7 S.O.P. 400.5(a) and continued off-duty conduct which  
8 discredited the mission of the Airport Safety Officer.  
9 Further, that, in view of the applicant's August 11, 1988,  
10 notice of resignation, termination of employment action was  
11 being deferred to allow the September 15, 1988, resignation to  
12 take effect.  
13

14  
15 14. Thereafter, the applicant grieved the denial of his  
16 request to withdraw his resignation. On or about July 15,  
17 1989, the arbitrator assigned to hear the case sustained the  
18 applicant's grievance and ordered that the applicant be  
19 reinstated by his employer.  
20

21 15. On or about May 21, 1990, the applicant submitted an  
22 Application for Certification as a police officer to the  
23 Alaska Police Standards Council.  
24

25 16. On or about September 18, 1990, the APSC received a  
26 copy of the applicant's application file from the Fairbanks  
27 Police Department, consisting of a Polygraph Examination  
28 Report dated March 2, 1981, and a supplemental investigation  
29 report prepared by Detective Nielsen on March 3, 1981.

30 17. Detective Nielsen's report of the polygraph  
31 examination indicates that the applicant admitted writing  
32 checks without sufficient funds, committing thefts from  
employers, committing a theft from a crime scene while  
employed as a police officer, and receiving stolen property.

1  
2  
3 18. On June 10, 1991, the APSC received a report from  
4 David J. Sperbeck, Ph.D., a clinical psychologist who examined  
5 the applicant in May of 1991. In his summary of test results,  
6 Dr. Sperbeck stated that the applicant [REDACTED]

7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED] Dr. Sperbeck  
11 concluded that, unless the applicant discontinued consuming  
12 alcohol and began participating in the AA program  
13 "wholeheartedly," then it was his opinion that the [REDACTED]  
14 [REDACTED] will only worsen and that his  
15 alcoholism may eventually jeopardize his ability to safely  
16 carry out his duties" as an officer.

17  
18 19. On or about July 15, 1991, the applicant was arrested  
19 by the Alaska State Troopers and charged with driving while  
20 intoxicated. The applicant advised the troopers that he had  
21 consumed approximately eight beers prior to driving his motor  
22 vehicle.  
23

24 The Administrator has determined that:

25 20. Based on the above findings, and particularly finding  
26 number 5, there are adequate grounds to deny the application  
27 because the applicant was discharged, for cause, from  
28 employment as a police officer, contrary to 13 AAC  
29 85.100(a)(2). This determination constitutes a sufficient  
30 basis, in and of itself, to deny the application.  
31

32 21. Based on the above findings, and in particular  
finding number 13, there are adequate grounds to deny  
certification because the applicant was permitted to resign

State of Alaska  
Alaska Police Standards Council  
Juneau, Alaska 99801

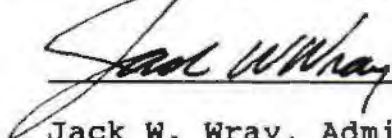
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

under threat of discharge, for cause, from employment as a police officer, contrary to 13 AAC 85.100(a)(2). This determination constitutes a sufficient basis, in and of itself, to deny the application.

22. Based on the above findings, and in particular finding numbers 8, 9, 17, 18 and 19, there are adequate grounds to deny certification because the applicant lacks good moral character, contrary to 13 AAC 85.010(a)(3) and 13 AAC 85.900(7)(D). This determination constitutes a sufficient basis, in and of itself, to deny the application.

Wherefore, the Administrator denies police officer certification to Mr. Robert H. Harper.

Dated at Juneau, Alaska, this 26th day of August, 1991.

  
\_\_\_\_\_  
Jack W. Wray, Administrator  
Alaska Police Standards Council