

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

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of:)
)
 Adam Spindler,) APSC No. 2016-28
)
Respondent)
_____)

ACCUSATION

The Alaska Police Standards Council (APSC), State of Alaska, by and through Administrative Investigator Sarah Hieb, is seeking to revoke the correctional officer certificate of Respondent Adam Spindler 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 April 11, 2013, the Respondent was hired by the Alaska Department of Corrections (DOC) as a correctional officer.
2. On or about May 10, 2014, the Respondent was certified by APSC as a correctional officer in the State of Alaska.
3. On or about August 15, 2016, the Respondent signed and the court accepted his Plea Agreement in United States of America vs. Adam Spindler, case number 16-CR-00089-TMB, agreeing to plead guilty to Counts 1 and 2 of the case. Count 1 is Drug Conspiracy and Count 2 is Possession of a Controlled Substance with Intent to Distribute. Both counts are considered felonies for sentencing purposes and related to Respondent’s attempt to introduce contraband into a correctional institution.

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

4. On or about October 4, 2016, the Respondent resigned from his position as a Correctional Officer with the Department of Corrections.

5. On or about October 5, 2016, APSC received from DOC a Personnel Action Form which indicated that the Respondent resigned in lieu of termination, he was under investigation for wrongdoing, DOC recommends de-certification, and DOC would not re-hire the Respondent.

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(a)(2) provides that the council may revoke a basic certificate upon a finding that the holder of the certificate has resigned under threat of discharge, from employment as a correctional officer for cause for conduct that adversely affects the ability and fitness of the officer to perform job duties or is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked.

8. 13 AAC 85.270(a)(3) provides that the council may revoke a basic certificate upon a finding that the holder of the certificate is a correctional officer and does not meet the standards in 13 AAC 85.210(a) or (b).

9. 13 AAC 85.270(b)(1)(A) provides that the council will revoke a basic certificate upon a finding that the holder of the certificate, after hire as a correctional officer, has been convicted of any felony.

10. 13 AAC 85.270(b)(2)(C) provides that the council will revoke a basic certification upon a finding that the holder of the certificate, after hire as a correctional officer, illegally purchased, sold, transported, or distributed a controlled substance.

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

11. 13 AAC 85.270(b)(3) provides that the council will revoke a basic certificate upon a finding that the holder of the certificate resigned under threat of discharge from employment as a correctional officer for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, respect for the rights of others, or respect for the law; or that is detrimental to the integrity of the correctional agency where the officer worked.

COUNT I

Paragraphs 1-11 are incorporated by reference. Based on the facts described above, the Respondent resigned under threat of discharge, from employment as a correctional officer with the State of Alaska Department of Corrections, for cause for conduct that adversely affects the ability and fitness of the officer to perform job duties or is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked, which is grounds for discretionary revocation under 13 AAC 85.270(a)(2).

COUNT II

Paragraphs 1-11 are incorporated by reference. Based on the facts described above, the Respondent does not meet the standards for a certified correctional officer established under 13 AAC 85.210(a)(3). The Respondent lacks good moral character, which is grounds for discretionary revocation under 13 AAC 85.270(a)(3).

COUNT III

Paragraphs 1-11 are incorporated by reference. Based on the facts described above, after hire as a correctional officer, the Respondent has been convicted of a felony, which is grounds for mandatory revocation under 13 AAC 85.270(b)(1)(A).

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

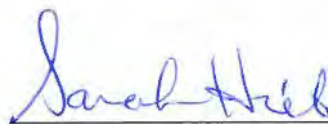
COUNT IV

Paragraphs 1-11 are incorporated by reference. Based on the facts described above, the Respondent after hire as a correctional officer, illegally purchased, sold, transported, or distributed a controlled substance, which is grounds for mandatory revocation under 13 AAC 85.270(b)(2)(C).

COUNT V

Paragraphs 1-11 are incorporated by reference. Based on the facts described above, the Respondent resigned under threat of discharge from employment as a correctional officer for the State of Alaska Department of Corrections for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, respect for the rights of others, or respect for the law, or that is detrimental to the integrity of the correctional agency where the officer worked, which is grounds for mandatory revocation under 13 AAC 85.270(b)(2)(C).

DATED this 10th day of October, 2016, at Juneau, Alaska.



Sarah Hieb, Administrative Investigator
Alaska Police Standards Council