

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
)
 BRYAN N. HERRERA) **APSC No. 2006-4**
)
 Respondent,)
 _____)

ORDER OF REVOCATION

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 15th day of May 2006, and having reviewed and discussed the Accusation against the Respondent, which was served February 3, 2006, 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 with notice to the Respondent.

Accordingly, the Council has considered the Accusation dated February 2, 2006.

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 on the 2nd day of February 2006 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 police officer certificate in the State of Alaska is hereby revoked; and
3. That this Order of Revocation shall take effect in accordance with AS 44.62.520(a).

DATED this 15th day of May 2006.



Charles Kopp, Chairman
Alaska Police Standards Council

State of Alaska
Alaska Police Standards Council
Box 111200
Juneau, Alaska 99811-1200

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
)
BRYAN N. HERRERA) No. APSC 2006-4
)
Respondent,)
)

ACCUSATION

Terry Vrabec, Administrator of the Police Standards Council, Department of Public Safety of the State of Alaska, is seeking to revoke the police certificate of Bryan Herrera (hereafter the respondent) under the legal authority of AS 18.65.240(a)(2) and (c) and the Council's regulations in 13 AAC 85.110(a) and (b), and under the procedures governed by the Administrative Procedure Act in AS 44.62.330, et. seq. The administrator alleges as follows:

1. On or about August 16, 1993, the respondent was hired as a police officer for the Anchorage Police Department.
2. On or about November 16, 1993, the respondent submitted an application to the Alaska Police Standards Council (APSC) for a police officer certificate.
3. That on or about November 19, 1993, the respondent was certified as a police officer in the State of Alaska.
4. On December 21, 2005, the respondent agreed to waive indictment and plead guilty or no contest to (1) Count of Possession of Child Pornography, a

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2 violation of AS 11.61.127(a) and (1) Count of Attempted Indecent Viewing or
3 Photography, a violation of AS 11.61.123(a)(1),(2); AS 11.31.100(a).

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5 5. The respondent has admitted to possessing over 300 pornographic
6 pictures and over 50 pornographic video images of children under the age of 18
7 years of age.

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10 6. Based on the conduct described in paragraphs 4 and 5, the
11 respondent was discharged by the Anchorage Police Department on December 29,
12 2005.

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14 7. Based on the respondent's actions outlined in paragraphs 4 and 5, the
15 respondent demonstrated poor moral character which can not be tolerated by a
16 certified police officer in Alaska.

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19 **COUNT I:**

20 Paragraphs 1 through 7 are incorporated by reference. Based on these facts, the
21 administrator alleges that the respondent was discharged for cause relating to
22 misconduct, which is grounds for a mandatory revocation are under
23 13 AAC 85.110(b)(3).

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26 **COUNT II:**

27 Paragraphs 1 through 7 are incorporated by reference. Based on these facts, the
28 administrator alleges that the respondent was discharged for cause other than
29 dishonesty or misconduct, which is grounds for discretionary revocation under
30 13 AAC 85.110(a)(3).
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COUNT III:


Paragraphs 1 through 7 are incorporated by reference as though set forth in detail. Based upon these facts, the administrator alleges that the respondent lacks good moral character and violated the Law Enforcement Code of Ethics set out in 13 AAC 85.040. The respondent therefore does not meet the minimum standards for a certified policed officer under 13 AAC 85.010(a). This is grounds for discretionary revocation of respondent's police certificate under 13 AAC 85.110(a)(3).

COUNT IV:

Paragraphs 1 through 7 are incorporated by reference as though set forth in detail. Based upon these facts, the administrator alleges that the respondent does not meet the minimum standards for a police officer under 13 AAC 85.010(a) because he has been convicted of a felony, which is grounds for mandatory revocation under 13 AAC 85.110(b)(1).

WHEREFORE, the administrator prays that Brian Herrera certificate as a police officer in the State of Alaska be revoked.

DATED this 2 day of February 2006 at Juneau, Alaska


Terry Vrabeck, Administrator
Alaska Police Standards Council