

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 )  
 )  
 Joshua H. Tyler, ) **APSC No. 2014-27**  
 )  
 Respondent, )  
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ORDER OF REVOCATION

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 10th day of May, 2016, and having reviewed and discussed the Accusation against the Respondent, which was sent via certified, registered mail, on March 10, 2015, 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 March 10, 2016.

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 March 10, 2016, 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 10<sup>th</sup> day of May, 2016.

  
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Bryce Johnson, Chairman  
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of,	)	
	)	
Joshua H. Tyler,	)	No. APSC 2014-27
	)	
Respondent	)	
_____	)	

**ACCUSATION**

Sarah Hieb, Administrative Investigator of the Alaska Police Standards Council (APSC), State of Alaska, is seeking to revoke the police certificate of Respondent Joshua H. Tyler under the legal authority of AS 18.65.240(a) and (c), the Council's regulations in 13 AAC 85.110, 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 July 12, 2010, the Respondent was hired by the Metlakatla Police Department as a police officer.
2. On or about November 19, 2012, the Respondent was certified by APSC as a police officer in the State of Alaska.
3. On or about November 6, 2014, The Respondent participated in a "mass evidence destruction" at the Metlakatla PD. Marijuana was placed in the Respondent's vehicle to be taken to the dump and destroyed by burning it. In the interview with BIA Special Agent Angela King, the Respondent said on the night of November 5, he had dumped alcohol and did not do any burn by himself the next morning. He later said he had only burned alcohol and bottles in the morning, and not marijuana. The Respondent then clarified he had burned the bottles in the

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2 morning, saying "I mistakenly said that. I know how this looks... that I failed to tell  
3 you about burning bottles" at the dump in the morning.  
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5 4. On or about November 19, 2014, an investigation was initiated by the  
6 Bureau of Indian Affairs (BIA) Internal Affairs Division after receiving a complaint  
7 that the Respondent allegedly stole and sold marijuana he had taken from the  
8 Metlakatla PD Evidence Control Room.  
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11 5. In the interview with BIA Special Agent Angela King, the  
12 Respondent said he had found marijuana in his house, probably from his girlfriend,  
13 and he had given to his friend to get rid of, saying "I know that I came across some  
14 pot, I did give him some. I told him to get rid of it for me - I did not tell him to sell it  
15 and then I asked to borrow \$100.00 from him. He never got back to me." He said he  
16 later learned his friend was going to try and sell the marijuana. When asked why he  
17 did nothing when he learned his friend was going to try and sell the marijuana, The  
18 Respondent said, "I know that giving him the marijuana was wrong, very wrong.  
19 The way I looked at it was if I did anything about it, it would have come back on me  
20 because I gave it to him."  
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26 6. On or about December 18, 2014, BIA Special Agent Angela King  
27 interviewed the friend who told her the Respondent gave him 18 baggies of  
28 marijuana to sell for \$100 a baggie and told him to keep four for himself. The friend  
29 said he chose not to sell the marijuana for fear of being arrested. He stated it would  
30 be his word against the Respondent's word. He also said, a week prior to the  
31 marijuana sales the Respondent was hanging out with him and drove drunk, gave  
32 him \$40 to purchase marijuana which he did, and that the Respondent then smoked  
the marijuana with him.

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7. On or about December 22, 2014, the Respondent was terminated from the Metlakatla Police Department. The reason given on the separation F-4 was for "theft of evidence." Metlakatla PD recommended de-certification.

8. On or about January 7, 2015, the completion of BIA Internal Affairs Investigation K0L120-14-342 resulted in a non-sustained allegation of theft of evidence and sustained the allegation of distribution of marijuana.

9. AS 18.65.240(c) provides that the APSC may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a) (2) of this section.

10. 13 AAC 85.110(a)(2) provides that the council will, in its discretion revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate has been discharged from employment as a police officer in this state for cause for conduct that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked.

11. 13 AAC 85.110(a)(3) provides that the council will, in its discretion revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate does not meet the standards in 13 AAC 85.010(a) or (b).

12. 13 AAC 85.110(b)(2)(A) provides that that council shall revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate has, after hire as a police officer, used marijuana.

13. 13 AAC 85.110(b)(2)(C) provides that the council shall revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the

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2 certificate has, after hire as a police officer, illegally purchased, sold, cultivated,  
3 transported, manufactured, or distributed a controlled substance.

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5 14. 13 AAC 85.110(b)(3) provides that the council shall revoke a basic,  
6 intermediate, or advanced certificate upon a finding that the holder of the certificate  
7 has been discharged from employment as a police officer in this state or any other  
8 state or territory for cause for conduct that would cause a reasonable person to have  
9 substantial doubt about an individual's honesty, fairness, and respect for the right of  
10 others and for the laws of this state and the United States or that is detrimental to the  
11 integrity of the police department where the police officer worked.  
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16 **COUNT I**

17 Paragraphs 1-14 are incorporated by reference. Based upon the facts  
18 described above, the Respondent was discharged from employment as a police  
19 officer from the Metlakatla Police Department for cause for conduct that adversely  
20 affects his ability and fitness to perform job duties and that was detrimental to the  
21 reputation, integrity, or discipline of the Metlakatla Police Department, which is  
22 grounds for discretionary revocation under 13 AAC 85.110(a)(2).  
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26 **COUNT II**

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28 Paragraphs 1-14 are incorporated by reference. Based upon the facts  
29 described above, the Respondent does not meet the minimum standards for a  
30 certified police officer established under 13 AAC 85.010(a) (3). The Respondent  
31 lacks good moral character which is grounds for discretionary revocation under 13  
32 AAC 85.110(a)(3).