STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of:	)	
	)	
Aaron Henderson,	)	No. APSC 2020-03
	)	
Respondent	)	
	)	

ACCUSATION

Sarah Hieb, Administrative Investigator of the Alaska Police Standards Council (APSC), State of Alaska, on behalf of the Executive Director for APSC, is seeking to revoke the correctional officer certificate of Respondent Aaron Henderson under the legal authority of AS 18.65.220, 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 Executive Director alleges as follows:

1. On or about November 26, 2012, the Respondent was hired by the Alaska Department of Corrections (DOC) as a correctional officer and worked at the Anchorage Correctional Complex.

2. After two periods of military active duty that interrupted his basic training, on or about January 29, 2015, the Respondent was certified by APSC as a correctional officer in the State of Alaska.

3. On or about August 26, 2019, DOC disciplined Respondent with a 120-hour suspension after they sustained Respondent had logged numerous counts and security checks he did not perform between June 15 - 17, 2019. They also found he neglected his duties by watching YouTube videos rather than attending to his assigned duties on July 20, 2019.

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Alaska Police Standards Council
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4. On or about December 3, 2019, DOC placed Respondent on administrative leave while DOC investigated new allegations of misconduct. The allegations were he had logged numerous counts and security checks he did not perform between November 28 to December 2, 2019, he neglected his duties by watching YouTube videos rather than attending to his assigned duties, and he did not observe inmates while the nurses were doing a blood draw on November 28. 2019.

5. On or about December 18, 2019, during the employee investigative interview, Respondent admitted to the misconduct in the above paragraph.

6. On or about December 24, 2019, Respondent was notified of the results of DOC's investigation which found that from November 28 through December 2, 2019, he logged at least 50 security checks and/or institutional counts the he did not perform, performed improperly, or performed at unacceptably disparate times from those he documented on the official log which was against DOC Policy and Procedure. Respondent was terminated, effective immediately, on January 6, 2020.

7. 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).

8. 13 AAC 85.270(a)(2) provides that the council may revoke a basic certificate upon a finding that the holder of the certificate was terminated from employment as a correctional officer for inefficiency, incompetence, or some other reason 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.

9. 13 AAC 85.270(b)(3) provides that the council will revoke a basic certificate upon a finding that the holder of the certificate was terminated from

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employment as a correctional officer for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, 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 correctional agency where the officer worked.

COUNT I

Paragraphs 1-9 are incorporated by reference. Based upon the facts described above, Respondent was terminated from his position as a correctional officer with the State of Alaska Department of Corrections, for conduct that adversely affects the ability and fitness of the officer to perform job duties, which is grounds for discretionary revocation under 13 AAC 85.270(a)(2).

COUNT II

Paragraphs 1-9 are incorporated by reference. Based upon the facts described above, Respondent was terminated from his position as a correctional officer with the State of Alaska Department of Corrections, for conduct that 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 III

Paragraphs 1-9 are incorporated by reference. Based upon the facts described above, the Respondent was terminated from the State of Alaska Department of Corrections for conduct that would cause a person to have substantial doubt about an individual's honesty, fairness, respect for the rights of others, and for the laws of this state and the United States; which is grounds for mandatory revocation under 13 AAC 85.270(b)(3).

COUNT IV

Paragraphs 1-9 are incorporated by reference. Based upon the facts described above, the Respondent was terminated as a correctional officer with the State of Alaska Department of Corrections for conduct for 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)(3).

DATED this 20th day of July 2020, at Juneau, Alaska.

Sarah Hieb

Sarah Hieb, Administrative Investigator
Alaska Police Standards Council

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Alaska Police Standards Council
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Juneau, Alaska 99811-1200