

1 STATE OF ALASKA
2 DEPARTMENT OF PUBLIC SAFETY
3 ALASKA POLICE STANDARDS COUNCIL

4 In the Matter of
5 RICHARD R. BERGMANN,
6 Respondent.

7 No. APSC 82-1

8 ORDER

9 The Alaska Police Standards Council of the State of Alaska,
10 having been duly convened on the 25th day of January, 1983, and
11 having reviewed and discussed the Findings of Fact and Conclusions
12 of Law, together with the Recommendation, proposed by Hearing Officer
13 J. John Franich Jr., dated November 29, 1982, and that said findings
14 were filed in accordance with AS 44.62.500(b).


15 IT IS HEREBY ORDERED:

16 1. The proposed Findings of Fact and Conclusions of Law
17 dated November 29, 1982 are hereby adopted by this Council and made,
18 by reference, a part of this Order as though set forth fully herein.

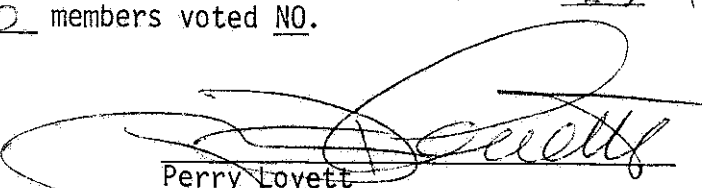
19 2. That Respondent's police officer certificate in the
20 State of Alaska shall be and is hereby revoked.

21 3. That instant decision and order of revocation shall
22 be effective immediately.

23 DATED this 25th day of January, 1983 at Juneau, Alaska.

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26 
27 Perry Lovett
28 Chairman, APSC

29 I hereby certify that 7~~12~~ members out of 9 members
30 were present at the time this order was considered and that 7~~12~~
31 members voted YES and 0 members voted NO.

32 
Perry Lovett
Chairman, APSC

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

IN THE MATTER OF)
RICHARD R. BERGMANN,)
Respondent.)

No. APSC 82-1

FINDINGS OF FACT

A hearing was held before the undersigned hearing officer on October 22, 1982 in Fairbanks, Alaska. The purpose of the hearing was to determine the facts regarding the proposed revocation of Richard Bergmann's certificate as a police officer in the State of Alaska.

The Alaska Police Standards Council was represented at the hearing by Assistant Attorney General Gayle A. Horetski. Three witnesses were presented: John Marshall, Deputy Director, North Slope Borough Department of Public Safety; Lewis Wood, now employed with the Fairbanks Airport Security Police (formerly with the North Slope Borough Department of Public Safety) and Mr. James Mayer, Administrator, Alaska Police Standards Council. Twenty-three exhibits, labeled A through W, were offered and admitted as evidence. Respondent Bergmann did not appear at the hearing, although he was aware of the hearing date. Based upon the testimony of the above named witnesses and the written exhibits, I make the following findings of fact:

1. In April of 1981 Richard Bergmann, at that time employed as a police officer with the North Slope Borough Department of Public Safety, approached Charlotte Brower, Magistrate of the Barrow District Court, in the Barrow Airport. Bergmann began to berate Ms. Brower in a loud voice concerning a decision she had recently made in a criminal bail hearing. His behavior prompted a memo from Magistrate Brower to Bergmann's supervisor, Sergeant Edward Ward. In her memo Magistrate Brower accused Officer Bergmann of a lack of discretion and professionalism, and indicated that his behavior reflected upon the department. See Exhibit A.

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Police Standards
Council

DEPARTMENT OF LAW — CRIMINAL DIVISION
ATTORNEY GENERAL, STATE OF ALASKA
POUCH KC, JUNEAU, ALASKA 99811
PHONE (907) 465-3428

1 2. While employed with the North Slope Borough
2 Richard Bergmann often failed to use proper radio procedures; he
3 failed to properly identify himself on the radio, was absent
4 from the air without explanation and kept incomplete radio logs.
5 See the testimony of Officer Wood and Exhibit B.

6 3. While employed with the North Slope Borough
7 respondent Bergmann on occasion failed to read daily information
8 notices posted on the bulletin board in the Public Safety
9 Department squadroom and failed to check his personal box for
10 directives. This resulted in a lack of awareness of day-to-day
11 information within the department. See Exhibit C.

12 4. On several occasions when reprimanded by a
13 superior officer Mr. Bergmann complained to more senior officers
14 or went directly to the Director of the North Slope Borough
15 Department of Public Safety. This violates the procedures for
16 observing chain of command within the department. See testimony
17 of Deputy Director Marshall and Exhibits D, J, N, and P.

18 5. In several instances Mr. Bergmann conducted
19 incomplete criminal investigations and submitted totally
20 inadequate written reports. See Exhibits E and W and testimony
21 of Mr. Marshall.

22 6. While investigating a motor vehicle accident Mr.
23 Bergmann failed to obtain adequate identification of the parties
24 involved. As a result, the accident report named the wrong
25 person. When ordered to write a letter of apology to the
26 citizen wrongly named, Bergmann sent a brief grammatically
27 incorrect letter containing numerous misspelled words. Deputy
28 Director Marshall, who did not see a copy of the letter until
29 after it had been sent, testified that in his opinion the letter
30 reflected adversely upon the department. See testimony of
31 Marshall and Exhibits N and O.

32 7. On February 5, 1982 Richard Bergmann was
33 dispatched to investigate the report of a severe beating. The
34 victim, a woman who was eight months pregnant, was at the Public

1 Health Service emergency room. Rather than responding directly
2 to the hospital, Officer Bergmann drove his patrol vehicle to a
3 gas station to get gas. The route to the gas station took him
4 close to and beyond the hospital, but he did not stop to
5 investigate the report. There was another patrol car available
6 when Bergmann began his shift; that car had sufficient gas in it
7 to enable him to respond to the call. Because of Bergmann's
8 failure to respond to the call, Officer Wood (who should have
9 been off duty) had to report to the hospital and handle the
10 case. Testimony of Officer Lewis Wood and Exhibits G, P, and Q.

11 8. On several occasions Mr. Bergmann failed to
12 respond to the direct orders of his supervisors. See, for
13 example, Exhibits H, I, P, and Q.

14 9. On at least one occasion the respondent used
15 obscene and offensive language to a female employee of the
16 department. See Exhibits M and Q.

17 10. Mr. Bergmann exhibited a lack of respect for his
18 superior officers. On one occasion he told a lieutenant: "screw
19 you". Testimony of Deputy Director Marshall, Exhibits N, P, and
20 Q.

21 11. Mr. Bergmann's behavior as described above
22 violated the North Slope Borough Department of Public Safety's
23 personnel policies, specifically G-PE-79-1 and G-PE-79-2
24 (Exhibits T and U).

25 12. On February 17, 1982 respondent Bergmann was
26 terminated for cause from the North Slope Borough Department of
27 Public Safety. Testimony of Deputy Director Marshall, Exhibits
28 R and S.

29 CONCLUSIONS OF LAW

30 13 AAC 85.100 sets forth the standard which applies
31 in this case:

32 Denial, Revocation, and Lapse of Certificates.

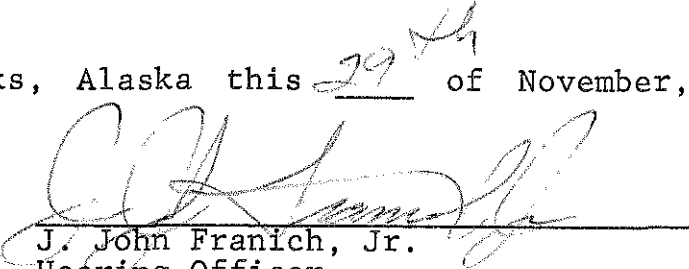
33 (a) The council will, in its discretion, deny or
34 revoke a basic, intermediate, or advanced
certificate upon a finding that: ... (2) the
applicant or holder of the certificate has been

1 discharged or resigned under threat of discharge
2 for cause from employment as a police officer in
3 this state or any other state...

4 Based upon the above findings of fact, I conclude that
5 respondent Richard R. Bergmann was terminated for cause from his
6 employment as a police officer with the North Slope Borough
7 Department of Public Safety. This termination for cause
8 provides an adequate basis under 13 AAC 85.100(a)(2) for the
9 revocation of Bergmann's certificate as a police officer within
10 the State of Alaska.

11 THEREFORE, I HEREBY RECOMMEND that the Alaska Police
12 Standards Council revoke Richard Bergmann's certificate as a
13 police officer.

14 DATED at Fairbanks, Alaska this 29th of November,
15 1982.

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17 J. John Franich, Jr.
18 Hearing Officer
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