

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
EUGENE E. COLBERT,)
Respondent.)

No. APSC 84-3

ORDER

The Alaska Police Standards Council (hereafter: Council) of the State of Alaska, having duly convened on the 13th day of March, 1986, and having reviewed and discussed the Accusation against the respondent which was served on January 24, 1986 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 Affidavit may be used as evidence without notice to the respondent.

Accordingly, the Council has considered the attached Affidavit of Jack W. Wray, Administrator of the Council.

Based upon the Council's consideration of the facts recited in Mr. Wray's Affidavit:

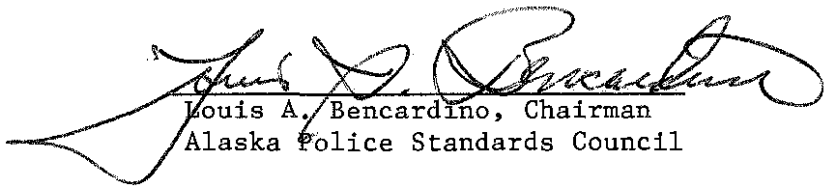
IT IS HEREBY ORDERED

1. That the allegations made in the Accusation against respondent dated December 17, 1985 are hereby adopted; the Accusation is made by reference a part of this Order as though set forth fully herein.

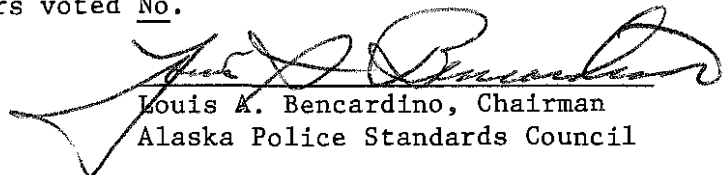
2. That respondent's police officer certificate in the State of Alaska is hereby revoked.

3. That this Order of Revocation shall take effect in accordance with AS 44.62.520(a).

DATED this 13th day of March, 1986 at Juneau, Alaska.


Louis A. Bencardino, Chairman
Alaska Police Standards Council

I hereby certify that 7 members out of 9 members were present at the time this Order was considered, and that 7 members voted Yes and 0 members voted No.


Louis A. Bencardino, Chairman
Alaska Police Standards Council

*State of Alaska
Alaska Police Standards Council
Pouch N - Juneau, Alaska 99811*

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ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
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EUGENE E. COLBERT,)
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Respondent.)
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No. APSC 84-3

ACCUSATION

Jack W. Wray, Administrator of the Alaska Police Standards Council of the State of Alaska, moves to revoke the certificate of Eugene E. Colbert as a police officer pursuant to AS 18.65.240(a)(2), AS 18.65.240(c), AS 18.65.270, AS 44.-62.330 et. seq., former 13 AAC 85.010(a)(4), former 13 AAC 85.100(a)(3), 13 AAC 85.010(a)(3), and 13 AAC 85.110(a)(3).

The Administrator alleges as follows:

1. On or about November 11, 1982, respondent was hired as a police officer by the Ketchikan Police Department, Ketchikan, Alaska.

2. On or about November 16, 1983, respondent submitted an application to the Alaska Police Standards Council (APSC) for police officer certification.

3. On or about November 21, 1983, APSC issued respondent a basic certificate as a police officer in the State of Alaska.

4. On or about February 20, 1984, respondent, while on duty as a police officer, reported to the Ketchikan Police Department that he had been shot by an unidentified assailant while investigating an open gate at the Foss Alaska Barge Line freight yard in Ketchikan. In his statement describing the shooting, Colbert indicated that he had not been able to see the person who shot him, and that he did not see any flash from the muzzle of the gun.

5. During the period from February 20, 1984, through August 1, 1984, the Ketchikan Police Department

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1 conducted an extensive investigation of the shooting. The
2 investigation included interviews with approximately 20 per-
3 sons, a full search of the freight yard area and nearby vehi-
4 cles, and a reenactment of the shooting as described by
5 Colbert. The investigators were unable to find any evidence
6 which corroborated the presence of another person (besides
7 Colbert) in the freight yard at the time the shot was fired.

8 6. On or about June 25, 1984, the Ketchikan Police
9 Department received the results of a laboratory analysis of
10 some of the physical evidence from the shooting. The labora-
11 tory report indicated that the distance between the muzzle of
12 the gun which fired the shot and the garment that Colbert wore
13 at the time was only two to three inches. This finding raised
14 serious doubts about the truthfulness of Colbert's statement
15 that he was shot by an assailant whom he couldn't see, and
16 that he did not see any muzzle flash.

17 7. On or about July 31, 1984, respondent volun-
18 tarily took a polygraph examination. In the opinion of the
19 polygraph operator, respondent's answers to the questions
20 "Before you were shot, did you know it was going to happen?"
21 and "Did you deliberately injure yourself on 2/20/84?"
22 indicated deception.

23 8. On or about July 31, 1984, respondent's
24 superior officers confronted him about the results of the
25 laboratory report and about the fact that the exhaustive
26 police investigation into the shooting had revealed no
27 evidence that any other person was at the scene of the
28 shooting. Respondent was told that disciplinary charges would
29 be brought against him, and that he would be discharged if the
30 hearing resulted in a finding against him. Respondent
31 immediately resigned from the police department.

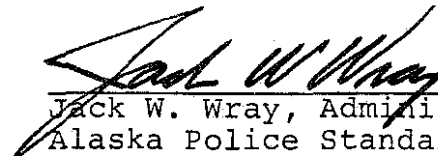
32 9. All of the available evidence indicates that
the respondent (probably accidentally) fired the shot that

1 wounded him on February 20, 1984. He then lied about what
2 happened and set off an extensive, prolonged, and expensive
3 police investigation into the shooting.

4 10. Respondent's elaborate and continued lies about
5 what happened on February 20, 1984 and his submission of a
6 false police report demonstrate that he lacks good moral
7 character. Respondent therefore does not meet the minimum
8 standards for a certified police officer established under
9 AS 18.65.240(a)(2), former 13 AAC 85.010(a)(4), former 13 AAC
10 85.100(a)(3), 13 AAC 85.010(a)(3), and 13 AAC 85.110(a)(3),
11 and his police officer certificate should be revoked.

12 Wherefore, the Administrator prays that Eugene E.
13 Colbert's certificate as a police officer in the State of
14 Alaska be revoked.

15 DATED this 17th day of December, 1985.

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17 Jack W. Wray, Administrator
18 Alaska Police Standards Council
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