

STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
)
 Thomas Penrose,) **APSC No. 2017-02**
)
 Respondent,)
 _____)

ORDER OF REVOCATION

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 3rd day of May, 2017, and having reviewed and discussed the Accusation against the Respondent, which was served April 10, 2017, 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.

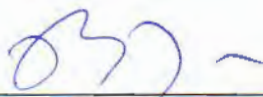
Accordingly, the Council has considered the Accusation dated March 29, 2017.

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 29, 2017, 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 3rd day of May 2017.



Bryce Johnson, Chairman
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of,)
)
 Thomas Penrose,) No. APSC 2017-02
)
 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 Thomas Penrose 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 January 20, 2009, the Respondent was hired by the Juneau Police Department (JPD) as a police officer.
2. On or about July 30, 2010, the Respondent was certified by APSC as a police officer.
3. On or about June 13, 2013, Juneau Police Department officers approached a reported suspicious vehicle parked in a cul-de-sac and saw sexual activity occurring between the two occupants. The passenger was the Respondent. JPD initiated an internal affairs investigation (IA) in which JPD sustained policy violations of Unbecoming Conduct, Conformance to Laws, and Truthfulness. The District Attorney's office declined to prosecute on the forwarded charge of Official Misconduct citing it was not supported by probable cause. The IA Recommendation

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memo recommended termination. Due to the policy violations, the Respondent was disciplined with a thirty day suspension.

4. On or about July 11, 2016 while on duty, the Respondent was interviewed by a JPD detective as a possible witness to a criminal matter involving two of the Respondent's family members. In response to the Respondent's answers in this interview, JPD initiated an IA into the Respondent's truthfulness. JPD sustained policy violations of Truthfulness and Unbecoming Conduct. The Respondent resigned prior to JPD making a final determination in this IA. In the closing memorandum for this investigation on January 19, 2017, had the Respondent still worked at JPD, the deputy chief would have recommended the Respondent be terminated.

5. On or about December 13, 2016, JPD started an IA into allegations learned from another Law Enforcement agency that the Respondent had used his position while on duty for personal gain, and engaged in inappropriate behavior while on and off duty. As a result of this investigation, JPD sustained policy violations for Unbecoming Conduct and Truthfulness. The Respondent resigned prior to the investigator interview in this IA. In the closing memorandum for this investigation on January 19, 2017, had the Respondent still worked at JPD, the deputy chief would have recommended termination.

6. On or about January 3, 2017, the Respondent resigned in lieu of termination from the Juneau Police Department, stating his resignation letter his resignation was not an admission of guilt to the misconduct complaints filed against him. On the APSC personnel action form, JPD indicated he was under investigation for wrong doing at the time he resigned and they recommended he be de-certified.

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2 7. AS 18.65.240(c) provides that the APSC may deny or revoke the
3 certificate of a police officer who does not meet the standards adopted under (a) (2)
4 of this section.
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6 8. 13 AAC 83.110(a)(2) provides that the council will, in its discretion
7 revoke a basic, intermediate, or advanced certificate upon a finding that the holder of
8 the certificate has resigned under threat of discharge, from employment as a police
9 officer in this state or any other state for cause for conduct that is detrimental to the
10 reputation, integrity, or discipline of the police department where the police officer
11 worked.
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13 9. 13 AAC 85.110(a)(3) provides that the council will, in its discretion
14 revoke a basic, intermediate, or advanced certificate upon a finding that the holder of
15 the certificate does not meet the standards in 13 AAC 85.010(a) or (b).
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17 10. 13 AAC 85.110(b)(3) provides that the council shall revoke a basic,
18 intermediate, or advanced certificate upon a finding that the holder of the certificate
19 has resigned under threat of discharge, from employment as a police officer in this
20 state or any other state for cause for conduct that would cause a reasonable person to
21 have substantial doubt about an individual's honesty, fairness, and respect for the
22 rights of others and for the laws of this state and the United States or that is
23 detrimental to the integrity of the police department where the police officer worked.
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31 **COUNT I**

32 Paragraphs 1-10 are incorporated by reference. Based upon the facts described above, the Respondent resigned in lieu of termination from employment as a police officer at the Juneau Police Department for conduct which is detrimental to

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the reputation, integrity, or discipline of the Juneau Police Department, which is grounds for discretionary revocation under 13 AAC 85.110(a)(2).

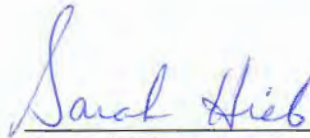
COUNT II

Paragraphs 1-10 are incorporated by reference. Based upon the facts described above, the Respondent does not meet the minimum standards for a certified police officer established under 13 AAC 85.010(a)(3). The Respondent lacks good moral character, which is grounds for discretionary revocation under 13 AAC 85.110(a)(3).

COUNT III

Paragraphs 1-10 are incorporated by reference. Based upon the facts described above, the Respondent resigned in lieu of termination from employment as a police officer at the Juneau Police Department for conduct that would cause a reasonable person to have substantial doubt about the Respondent's honesty, fairness, and 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 Juneau Police Department, which is grounds for mandatory revocation under 13 AAC 85.110(b)(3).

DATED this 29th day of March, 2017 at Juneau, Alaska.



Sarah Hieb, Administrative Investigator
Alaska Police Standards Council