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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
)
 Anthony Cortez,) **APSC No. 2021-17**
)
 Respondent,)
 _____)

ORDER OF REVOCATION

The Alaska Police Standards Council of the State of Alaska, having duly convened on the 5th day of May, 2022, and having reviewed and discussed the Accusation against the Respondent, which was served February 7, 2022, 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 without notice to the Respondent.

Accordingly, the Council has considered the Accusation dated January 31, 2022.

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 January 31, 2022, 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 State of Alaska Correction Officer certification is hereby revoked; and
3. That this Order of Revocation shall take effect in accordance with AS 44.62.520(a).

DATED this 5th day of May, 2022.



Rebecca Hamon, Chairman
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of:)
)
 Anthony Cortez,) No. APSC 2021-17
)
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 Anthony Cortez 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 May 23, 2002, Respondent was hired as a correctional officer by the Department of Corrections (DOC).
2. On or about June 17, 2003, the Alaska Police Standards Council certified Respondent as a Correctional Officer.
3. In November 2020, Respondent was seen by Probation Officer Hinders at a local restaurant having dinner with a female she later realized was the wife of an inmate. DOC policy states employees may not knowingly maintain social, sexual, business, or financial associations with offenders that are under the supervision of the DOC, or a member of the offender’s immediate family.
4. In November 2020, Correction Officer Iverson was in the employee break room and inquired after Respondent’s girlfriend as he saw Respondent was

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texting to a female, who, unbeknownst to Iverson, was the same person referenced in paragraph 3, the inmate’s spouse. Iverson stated that another correctional officer in the break room, Officer Ferguson, asked if they were talking about the inmate’s wife, to which Respondent replied that she was just a friend. Officer Ferguson then warned Respondent to be careful with the wife.

5. On or about December 31, 2020, Probation Officer Hinders and Correction Officer Chae both saw Respondent at the same restaurant sitting with same inmate’s wife. Officer Chae said Respondent was sitting with his face almost touching the wife’s face and he was rubbing his hands up and down her legs, which the co-worker described as “intimate behavior.” Respondent’s actions in paragraphs three, four, and five are detrimental to the reputation, integrity, and discipline of DOC.

6. The above incidents came to the attention of DOC Human Resources and an administrative investigation was initiated. As part of that investigation, DOC listened to phone calls between the inmate and the wife, locating a phone call on July 28, 2020 where the wife provided to the inmate confidential information about an incident at the prison that occurred on July 24, 2020.

7. On or about February 18, 2021, Respondent was advised of the administrative investigation and was directed to attend an investigative interview on February 24, 2021 to discuss his association with the inmate’s wife.

8. On or about February 24, 2021, during the administrative interview, Respondent said he had met the wife in June of 2020 and recognized her as the inmate’s wife. He said she had told him she was divorced from the inmate and that the wife was a casual acquaintance and “drinking buddy.” Respondent had not advised anyone at DOC about his contacts with the wife as per DOC policy. Respondent

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acknowledged that he knew the wife was on the correctional center’s banned visitor list¹, but that he did not know why, nor did he inquire as to the reason she was on the list. Respondent said he now understood DOC and his co-worker’s concern about his association with her because of the possible security risk if he was to be compromised.

9. On or about March 28, 2021, Probation Officer Lapinskas saw Respondent at a Girdwood area gas station pumping gas into the wife’s vehicle while the wife was seated in the passenger seat. Lapinskas said Respondent saw her and then appeared to be attempting to hide from her by crouching down behind the vehicle’s open door.

10. In the subsequent follow up administrative interview on April 29, 2021, Respondent said seeing the wife at the gas station was a chance encounter, he was in his own vehicle driving the opposite direction, and he was just being polite when he removed the hose from her vehicle, and he said he did not see Lapinskas at the gas station. He said he did not think to report the contact to DOC, but now realized that he probably should have. Respondent’s action in this paragraph is detrimental to the reputation, integrity, and discipline of DOC.

11. In the same follow up interview, regarding paragraph six (6) above, the recorded phone conversation between the inmate and his wife, Respondent was asked if he had given the wife confidential information about the correctional center. Respondent denied telling her anything but did acknowledge he may have said something to her while he was intoxicated. Respondent’s action in this paragraph is detrimental to the reputation, integrity, and discipline of DOC.

¹ The wife had been caught mailing contraband to the prison and was subsequently convicted of misdemeanor promoting contraband.
Accusation: Anthony Cortez 2021-17

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12. Regarding the break room conversation in paragraph four (4) above, Respondent said he did not really remember the conversation well as it was six months ago. He denied texting her from the breakroom, but he agreed that the conversation occurred, saying Iverson may have asked him about her.

13. On or about May 14, 2021, as a results of the administrative investigation, DOC terminated Respondent. On the Personnel Action form submitted to APSC, DOC marked Respondent was under investigation for wrongdoing at the time of his termination, DOC recommended de-certification, and Respondent was not eligible for re-hire.

14. 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).

15. 13 AAC 85.270(a)(2) provides that the council may revoke a basic certificate upon a finding that the holder of the certificate has been discharged, or resigned under threat of discharge, 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.

16. 13 AAC 85.270(b)(3) provides that the council will revoke a basic certificate upon a finding that the holder of the certificate has been discharged, or resigned under threat of discharge from 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.

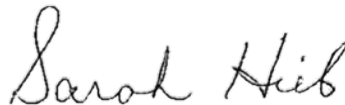
1 **COUNT I**

2 Paragraphs 1-16 are incorporated by reference. Based upon the facts described
3 above, Respondent was terminated from his position as a correctional officer with the
4 State of Alaska Department of Corrections, for conduct that is detrimental to the
5 reputation, integrity, or discipline of the correctional agency where the officer worked,
6 which is grounds for discretionary revocation under 13 AAC 85.270(a)(2).
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1 0 **COUNT II**

1 1 Paragraphs 1-16 are incorporated by reference. Based upon the facts described
1 2 above, the Respondent was terminated from his position as a correctional officer with
1 3 the State of Alaska Department of Corrections for conduct that would cause a person
1 4 to have substantial doubt about an individual’s honesty, fairness, respect for the rights
1 5 of others, and for the laws of this state and the United States; which is grounds for
1 6 mandatory revocation under 13 AAC 85.270(b)(3).
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2 2 DATED this 31st day of January 2022, at Juneau, Alaska.
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2 6 Sarah Hieb, Administrative Investigator
2 7 Alaska Police Standards Council
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