

*State of Alaska
Alaska Police Standards Council
Douch N - Juneau, Alaska 99801*

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
)
JAY E. HATFIELD)
)
Respondent.)

No. APSC 88-5

ACCUSATION

Jack W. Wray, Administrator of the Alaska Police Standards Council of the State of Alaska, moves to revoke the certificate of Jay E. Hatfield 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., 13 AAC 85.010(a)(3), 13 AAC 85.010(b)(1), 13 AAC 85.010(b)(4)(B) and (C), 13 AAC 85.110(a)(1),(2), and (3), and 13 AAC 85.110(b)(1).

The Administrator alleges as follows:

1. On or about July 22, 1984, respondent was hired as a public safety officer by the Unalaska Department of Public Safety.
2. On or about July 31, 1984, respondent submitted a signed and notarized Personal History Statement on a form supplied by the Alaska Police Standards Council. The form was signed by respondent on July 27, 1984. In response to a question on this form about drug usage, respondent claimed to have used marijuana 5 to 6 times ending in October 1977.
3. On or about August 5, 1985, respondent submitted an application to the Alaska Police Standards Council for a police officer certificate.
4. On or about August 8, 1985, respondent was certified as a police officer in the State of Alaska.
5. On May 13, 1988, respondent submitted to a polygraph examination conducted by Sgt. Gerald Smith of the Alaska State Troopers. During the course of the polygraph examination, respondent stated that he had used marijuana 250 times ending in 1984, cocaine 30 times ending in 1982, opium two times ending in 1980, speed 10 times ending in 1978, and mescaline one time in 1975.
6. On or about September 30, 1988, respondent resigned his employment as a public safety officer for the Unalaska Department of Public Safety.

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1 7. On or about October 12, 1988, respondent was hired as a police
2 officer for the Cordova Police Department.

3 8. On or about October 31, 1988, respondent submitted a signed and
4 notarized Personal History Statement on a form supplied by the Alaska
5 Police Standards Council. The form was signed by respondent on October
6 21, 1988. In response to a question on this form about drug usage,
7 respondent claimed to have used marijuana 100 times ending in 1984,
8 cocaine 25 times ending in 1983, opium two times ending in 1980, and
9 mescaline one time in 1980.

10 9. On January 12, 1989, in a statement to Chief Donald P. Yerrick of
11 the Cordova Police Department, respondent admitted that he had lied about
12 the extent of his drug usage on the 1984 Personal History Statement.

13 10. On or about February 4, 1989, respondent resigned his employment
14 as a police officer for the Cordova Police Department under threat of
15 discharge for cause.

16 11. On or about June 2, 1989, in case number 3AN-S89-3889, the
17 District Attorney in the Third Judicial District filed an information
18 charging respondent with Attempted Perjury in violation of AS 11.56.200(a)
19 and AS 11.31.100(a). The information charged that the respondent
20 unlawfully attempted to make a false sworn statement regarding his use of
21 illicit drugs in an application for employment with the Unalaska Police
22 Department.

23 12. On or about July 25, 1989, respondent entered a plea of no
24 contest to the charges filed in the information.

25 13. On or about September 29, 1989, an Order Suspending Imposition of
26 Sentence and providing for probation was entered by Superior Court Judge
27 Karl S. Johnstone convicting respondent of Attempted Perjury, a class C
28 felony offense. Respondent was sentenced to 6 months probation and a fine
29 of \$1000.00.
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COUNT I

14. Paragraphs 1 through 13 are incorporated by reference as though set forth in detail. In addition, the Administrator alleges that respondent falsified or omitted information required to be provided on a document supporting an application for police officer certification, and therefore his police officer certificate should be revoked under AS 18.65.240(a)(2), and 13 AAC 85.110(a)(1).

COUNT II

15. Paragraphs 1 through 13 are incorporated by reference as though set forth in detail. In addition, the Administrator alleges that respondent resigned under threat of discharge, for cause, from employment as a police officer in Alaska, and therefore his police officer certificate should be revoked under AS 18.65.240(a)(2), and 13 AAC 85.110(a)(2).

COUNT III

16. Paragraphs 1 through 13 are incorporated by reference as though set forth in detail. In addition, the Administrator alleges that the charges set forth in paragraph 11 demonstrates that respondent lacks good moral character. Respondent therefore does not meet the minimum standards for a certified police officer established under AS 18.65.240(a)(2), 13 AAC 85.010 (a)(3), and 13 AAC 85.110(a)(3) and his police officer certificate should be revoked.

COUNT IV

17. Paragraphs 1 through 13 are incorporated by reference as though set forth in detail. In addition, the Administrator alleges that respondent repeatedly used a controlled substance other than marijuana

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1 before application for hire as a police officer. Respondent therefore
2 does not meet the minimum standards for a certified police officer
3 established under AS 18.65.240(a)(2), 13 AAC 85.010(b)(4)(B), and
4 13 AAC 85.110(a)(3) and his police officer certificate should be revoked.

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6 COUNT V

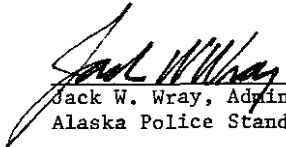
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8 18. Paragraphs 1 through 13 are incorporated by reference as though
9 set forth in detail. In addition, the Administrator alleges that
10 respondent, within the three years before application for hire as a police
11 officer in Unalaska, engaged in the sustained regular use of marijuana.
12 Respondent therefore does not meet the minimum standards for a certified
13 police officer established under AS 18.65.240(a)(2), 13 AAC
14 85.010(b)(4)(C), and 13 AAC 85.110(a)(3) and his police officer
15 certificate should be revoked.

16
17 COUNT VI

18
19 19. Paragraphs 1 through 13 are incorporated by reference as though
20 set forth in detail. In addition, the Administrator alleges that under
21 AS 18.65.240(a)(2), and 13 AAC 85.110(b)(1), respondent's police officer
22 certificate must be revoked because the respondent after hire as a police
23 officer has been convicted of a felony.

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25 Wherefore, the Administrator prays that Jay E. Hatfield's certificate
26 as a police officer in the State of Alaska be revoked.

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28 DATED this 8th day of January, 1990, at Juneau, Alaska.

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31 
32 Jack W. Wray, Administrator
Alaska Police Standards Council

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STATE OF ALASKA

ALASKA POLICE STANDARDS COUNCIL

In the Matter of)
JAY E. HATFIELD,)
Respondent.)

No. APSC 88-5

ORDER

The Alaska Police Standards Council (hereafter: Council) of the State of Alaska, having duly convened on the 22nd day of February, 1990, and having reviewed and discussed the Accusation against the respondent which was served January 12, 1990 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:

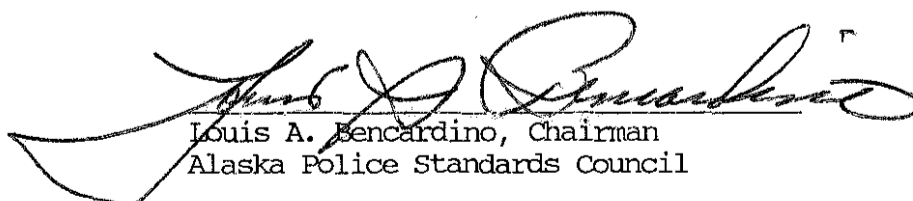
IT IS HEREBY ORDERED

1. That the allegations made in the Accusation against the respondent dated January 8, 1990, 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 22nd day of February, 1990.


Louis A. Bencardino, Chairman
Alaska Police Standards Council

I hereby certify that 9 members out of 11 members were present at the time this Order was considered and that 9 members voted YES and 0 voted NO.


Louis A. Bencardino, Chairman
Alaska Police Standards Council