



State of Alaska

Department of Public Safety
Division of

Alaska State Troopers

Frank Murkowski, Governor
William Tandeske, Commissioner

March 1, 2006

Investigator Michael Wooten
Wildlife Investigations Unit
Alaska Bureau of Investigation
5700 E. Tudor Road
Anchorage, AK 99507

Re: Suspension

Dear Investigator Wooten:

On April 11, 2005, an administrative investigation was initiated regarding allegations of improper conduct committed over a two-year period that occurred between yourself and various members of your immediate and extended family. I have reviewed the entire file, to include the "Memorandum of Findings", all recordings and interviews conducted in this administrative investigation. The pertinent sections that were sustained include the following:

OPM 101.070(A)	Unbecoming Conduct (three incidents)
OPM 101.070(B)	Personal Conduct (three incidents)
OPM 101.060(F)	Failure to Perform Duties Properly, Use of Government Property (one incident)
OPM 101.070(C)	Conformance to Laws (two incidents)
OPM 101.070(F)	Use of Alcohol (one incident)
OPM103.030(A)	Operation to be prudent and lawful (one incident)

A summary review of the circumstances sustaining these violations include the following:

- Using a Taser on your ten-year-old stepson, Payton (in a training capacity);
- Shooting a cow moose to fill a permit issued to your wife Molly, in violation of statute; and
- Drinking beer before, and subsequently during the operation of a marked Alaska State Trooper patrol vehicle.

The judgment you have demonstrated and the choices you have made during these violations is of grave concern. The use of your department issued Taser on a ten-year old child, your stepson, Payton demonstrated extremely poor judgement and a conscience choice you made to violate the department's standards of conduct. You have been entrusted by the department not only to be responsible in handling and deploying your own issued Taser when dealing with the public, but, further; as a Taser instructor, you have been well trained in the application and risks associated with use of the weapon on a child. During this investigation, you admitted to using your department issued Taser on Payton, which is a clear violation of policy.

This event is not mitigated by the fact that it occurred within your immediate family. In addition to any expectation he had as member of your household, he is also a member of the general public and as such, will likely now have a diminished view of the department and you as a representative of the

department. This is unacceptable. Your lapse of proper judgement and unacceptable conduct is very serious in nature and on it's own, this matter warrants corrective action.

The issue of the wildlife violation has even deeper ramifications. As a hunter and certainly, a law enforcement officer you knew or should have known the conditions for the drawing permit and the hunt. The fact that you are currently assigned as a *wildlife crimes* investigator exponentially exacerbates this violation as it is absolutely contrary to your current assignment. During the investigation, you maintained that these actions were not inappropriate, and that you didn't consider these actions a violation of the law.

A review of the appropriate administrative code for this violation (5AAC 92.050(a)(5) states: ***(5) except as provided in (6) of this subsection, a permit is nontransferable....*** In addition, Alaska statute 16.05.420 (C) states: ***(c) A person to whom a license, tag, or sport fishing vessel registration has been issued under this chapter may not alter, change, loan, or transfer the license, tag, or sport fishing vessel registration. A person may not use a license, tag, or sport fishing vessel registration that has been issued under this chapter to another person.*** Based on the facts presented the investigation, there is no question that you violated these provisions, and in fact committed an unclassified misdemeanor offense. During our conference on 2-9-06, you finally did admit that the conduct was illegal. On its own, your conduct in this matter warrants corrective action.

In response to your lapse in judgement and improper conduct, you will be reassigned from the Wildlife Investigations Unit (WIU). Effective immediately, you will be reassigned to the Anchorage Services Unit

In June/July 2004, you stopped at the home of acquaintances of yours, Adrian and Marilyn Lane. They live in your same subdivision and on one occasion you pulled your marked trooper vehicle into their driveway. According to the statement of Adrian Lane, you walked into their garage, engaged in some social conversation and then went to a refrigerator located in his garage and helped yourself to a beer. Mr. Lane stated that he saw you drink the first beer and then state that you had to go, but that before you left you helped yourself to a second beer. He said you opened the beer and got into your marked trooper vehicle carrying the beer and drove away.

Marilyn Lane stated that on this same occasion, she walked into the garage after you had arrived and although she did not see you get the first beer, she saw you drinking a beer and engaging in social conversation with her husband Adrian. She further stated that she left the garage and came back a little later, and at that time observed you with an open beer in your hand. She said that she saw you get into your marked trooper vehicle with the beer in hand, still chatting and drive away.

Mr. and Mrs. Lane both stated that they were amazed that you would drink a beer and drive your trooper vehicle, and stated that they discussed with each other the fact that it was inappropriate and that you had better watch out or you could get into trouble. The Lanes recounted this story only after being asked about the incident by Sgt. Wall. I was concerned about this incident and conducted a follow-up interview with the Lanes. They stated to me, that they liked you and had been friends of the Heath family for years and for that reason, they did not report it to anyone. They also stated to me that under no circumstances would they ever be untruthful about their observations of you that day, and that their prior relationship with the Heath family did not have any influence over their statements.

The issue of drinking alcoholic beverages (beer) prior to operating, and then during the operation of a marked patrol vehicle not only exposed the Department to liability, but further demonstrates your lack of judgement and a profound disrespect for the responsibilities of a law enforcement officer. We as police officers are held to a higher standard of conduct and duty than the average citizen. We routinely contact and prosecute those who are either driving under the influence or who have open

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containers of alcohol in the vehicle while driving. Your conduct in this incident demonstrates a lack of good character, and a disregard for the law you are sworn to uphold. If you had been involved in an

incident or an accident immediately following this event, your actions would have not only involved criminal liability, but also exposed the Department to great discredit, embarrassment and additional civil liability. Of greater importance is the fact that because of your actions, the integrity of every other State Trooper is in question. This is unacceptable.

To gain a complete understanding of how the aforementioned sustained violations relate to your performance with the Alaska State Troopers, I have reviewed your personnel file and identified the following actions:

- 12-27-01 **Warning** for filing personal documents written on DPS report forms with the Court in reference to a personal issue;
- 1-5-04 **Reprimand** for negligent damage to a state vehicle;
- 1-24-05 **Instruction** in reference to driving complaints of speeding, unsafe lane changes, following too closely, and not using turn signals while operating a state vehicle;
- 4-14-05 **Instruction** for being absent without leave;
- 6-24-05 **Instruction** for reimbursement for personal cell phone calls;
- 10-12-05 **Suspension** for violation of traffic law;
- 11-16-05 **Memorandum of Expectations** to clarify duty hours, tardiness and personal business during duty time.

The history noted above indicates a significant pattern of judgment failures, during which you have repeatedly shown yourself incapable or unwilling to maintain a demeanor demonstrating or embracing departmental expectations for your proper and appropriate conduct. The history bears out your failure to change or correct your behavior or your inability to behave according to our canons of police ethics and rules of conduct. Your unacceptable conduct appears to have continued and even escalated. The findings of the administrative investigation indicate that in addition to the events addressed above, that activity sustained in the investigation was occurring concurrently. The record clearly indicates a serious and concentrated pattern of unacceptable and at times, illegal activity occurring over a lengthy period, which establishes a course of conduct totally at odds with the ethics of our profession.

The Alaska Department of Public Safety expects that employees will hold themselves to the highest professional and personal standards, on and off duty. As a state trooper, you are expected to exhibit conduct that instills public and professional confidence in the integrity of our organization. The events and behavior sustained during this Administrative Investigation not only brings discredit to the department by having a trooper violate law, but also documents a continued course of conduct rife with poor judgment and violation of policy. It is nearly certain that a civilian investigated under similar circumstances would have received criminal sanctions. These events are unacceptable, constitute a gross deviation from our department's standards, and will not be tolerated.

Based on the totality of this review and your past history, you will be suspended for ten-working days. You are hereby suspended on March 6, 2006 through March 17, 2006.

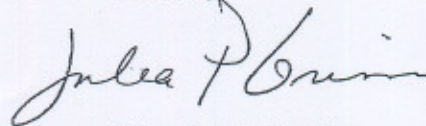
During your period of suspension, you are to turn in your duty weapons, Taser, SERT gear and credentials. You will be prohibited from driving a state vehicle and shall have no authority of office (OPM 111.070 (D)(E)).

This discipline is meant to be a last chance to take corrective action. The Department views your continued misconduct and the violation of the Law and OPM sections to be very serious. You are hereby given notice that any further occurrences of these types of behaviors or incidents will not be tolerated and will result in your termination. You must comply with the Law, the OPM and direction given you.

Office of the Director

5700 East Tudor Rd. - Anchorage, AK 99507 - Voice (907) 269-5511 - Fax (907) 337-2059

Sincerely,



Colonel Julia P. Grimes
Director

cc: Commissioner William Tandeske, DPS
Assistant Commissioner Gretchen Pence, DPS
PSEA
Public Protection Management Services, Div. of Personnel, DOA
Public Protection Technical Services Supervisor, Div. of Personnel,
Personnel File