

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
BY THE ALASKA POLICE STANDARDS COUNCIL**

In the Matter of )  
 )  
QUINLAN MCQUOID ) OAH No. 23-0357-POC  
 ) Agency No. 2022-15  
\_\_\_\_\_ )

**DECISION**

**I. Introduction**

The Bethel Police Department (BPD) concluded that a probationary police officer had, while off duty and intoxicated, contacted an on-duty colleague, used abusive language towards her, and placed her in fear of imminent physical injury. BPD terminated the officer, after which, based on the circumstances surrounding that termination, the Alaska Police Standards Council determined him to be disqualified from certification as a police officer. The officer, Quinlan McQuoid, requested a hearing to contest that disqualification. Because the evidence at hearing demonstrated that Mr. McQuoid more likely than not engaged in conduct that is inconsistent with certification, the determination of disqualification is affirmed.

**II. Facts**

*A. Background*

Quinlan McQuoid joined the Bethel Police Department as a Patrol Officer in November 2021.<sup>1</sup> This was his first law enforcement position, with his most recent prior work experience being four and a half years in the Navy, followed by a year with a private security firm.<sup>2</sup>

Beginning in April 2022, Officer McQuoid was partnered with Officer Jane Doe.\*\* Officer Doe had been a police officer for nine years, and joined BPD one year before Officer McQuoid. Prior to the events giving rise to this case, Officer Doe considered Officer McQuoid a “really good friend,” and had confided in him about matters including interactions with colleagues, the stress of an acrimonious child custody dispute, and deeply personal events from her past.<sup>3</sup> From her perspective, and that of others within the department, they had a good working relationship.<sup>4</sup>

Ultimately, Officer McQuoid decided to leave BPD before the end of that first year, and before becoming certificated by the Council. He submitted a written resignation in August

<sup>1</sup> Ex, A, pp. 54, 121.

<sup>2</sup> Ex A, p. 38.

<sup>3</sup> Doe testimony.

<sup>4</sup> Doe testimony; Poole testimony.

2022.<sup>5</sup> Although City policy provides that employees who leave after less than a full year of service forfeit any paid time off, BPD allowed Officer McQuoid to use up his paid time off to finish out his employment. Accordingly, he worked his last scheduled shift on August 15, 2022, but remained a City employee, with a planned “last day” of September 11, 2022.<sup>6</sup>

*B. August 16, 2022 incident*

On the evening of August 15, 2022, after working his final shift and turning in his gear, Officer McQuoid attended a small get-together at the home of BPD Officer Jackson Roberson. Officer Roberson, scheduled to work a swing shift, was not drinking; others, including Officer McQuoid, were. At some point before 1:00 a.m., Officer Roberson began getting ready for work. Not wanting to leave his wife to deal with their intoxicated guests, Officer Roberson sent the remaining revelers home. Officer McQuoid, by this time, was “acting stupid drunk,” including being loud and banging on the apartment walls.<sup>7</sup> Ryan Smith, a former BPD dispatcher who was at the party but had not been drinking, agreed to drive him home.

1. Visit to Officer Doe's job site

Officer Doe, meanwhile, was working an overnight shift providing “scene security” at the site of a recent high-profile fatal arson at the AVCP apartment complex.<sup>8</sup> Officer McQuoid persuaded Mr. Smith to stop by the AVCP site to visit her on their way home from the party.<sup>9</sup> They arrived at the AVCP site and pulled up alongside Officer Doe's patrol car at around 1:15 a.m. Officer Doe did not initially find this visit unusual, as it is common for colleagues to check in on one another during this type of assignment.<sup>10</sup>

After a brief period of “talking and goofing around” across open car windows, however, Officer McQuoid exited Smith’s vehicle and got into the front passenger seat of Officer Doe’s

---

<sup>5</sup> Ex. 1, p. 95.

<sup>6</sup> Poole testimony; Ex. 1, p. 95.

<sup>7</sup> Officer Roberson originally testified that Officer McQuoid’s late night behavior had included banging on a shared wall in the apartment. On cross examination, after being reminded of a wall-banging incident on a different evening, Roberson then testified that he did not specifically recall Officer McQuoid banging on the wall at the going away party. But Officer Roberson’s August 17 statement to investigators specifically described Officer McQuoid banging on the wall that night as Roberson tried to get ready for work. Ex. 7. And Officer Doe shared with the department investigator a text message from another partygoer describing Officer McQuoid as “banging on the wall trying to wake up the new guy at Officers Roberson's house.” Ex. 1, p. 106. Given this corroboration and the strong likelihood that Officer Roberson’s memory one day after the party is more reliable on this point than his uncertain testimony a year later, it is more likely true than not true that Officer McQuoid’s behavior before leaving the party included banging on the shared apartment wall.

<sup>8</sup> AVCP refers to the Association of Village Council Presidents Regional Housing Authority.

<sup>9</sup> R. Smith testimony.

<sup>10</sup> Doe testimony.

patrol car.<sup>11</sup> To Officer Doe, he appeared “completely inebriated,” slurring his words, swaying, and being loud, as well as vacillating between a very good mood and “getting very irritated [and] very mean.”<sup>12</sup>

By this point, Officer Doe was ready for McQuoid to leave and Mr. Smith was ready to go home, but Officer McQuoid did not leave the patrol car.<sup>13</sup> Officer Doe recalls she and Mr. Smith trying repeatedly to get Officer McQuoid to leave, McQuoid “getting very aggressive” in response, and Smith eventually giving up and leaving. Smith describes his departure differently, saying that he left after either “getting the verbal okay” from both Doe and McQuoid, or having no indication that he shouldn’t leave.<sup>14</sup> It is undisputed that ultimately Ryan Smith drove off, leaving an intoxicated Officer McQuoid in the front seat of Officer Doe’s patrol car. It is also undisputed that Officer Doe later messaged Smith to convey her unhappiness at his having left a drunken Officer McQuoid in her patrol car.<sup>15</sup>

## 2. The altercation in Officer Doe’s patrol car<sup>16</sup>

Officer McQuoid’s presence and conduct in Officer Doe’s patrol car began materially interfering with her ability to perform her official duties. He was very drunk, and engaged in behavior that included grabbing at the steering wheel, kicking at the dashboard and in the footwell of the passenger seat, and attempting to grab both the police radio and Officer Doe’s cell phone.

In the meantime, at various points during this incident, McQuoid said a number of hurtful and sometimes crude things to Officer Doe, including some which touched on topics about which she had previously “vented to him in private.” He said she was a “horrible” mother who shouldn’t have custody of her children and that he was glad she had missed her child’s birthday

---

<sup>11</sup> R. Smith testimony.

<sup>12</sup> Doe testimony; R. Smith testimony; Ex. 1, p. 127. Officer Doe contends that McQuoid quickly started being verbally abusive towards her. Mr. Smith, who says he could hear their conversation from his car, denies hearing anything noteworthy or concerning during his brief time at the site.

<sup>13</sup> Doe testimony.

<sup>14</sup> R. Smith testimony. While Smith eventually testified that he “got the verbal okay from both of them” before leaving, his statements on this point have been shifting and equivocal, including testimony that he is “fairly certain he got the okay from both of them,” and a June 2023 statement to Investigator Hieb that he left after Officer McQuoid said he could and Officer Doe “didn’t give any signs that she wasn’t okay or that [he] shouldn’t leave.” Ex. 1, p. 127.

<sup>15</sup> R. Smith testimony; Ex. 1, p. 127; Ex. 6 (reading contemporaneous texts to R. Smith). Mr. Smith accepts that, in hindsight, he should not have left Officer McQuoid there. R. Smith testimony.

<sup>16</sup> The only witness to testify about the altercation itself was Officer Doe. Accordingly, unless otherwise indicated, the facts described in this section are derived from her testimony, as well as her interview with Lt. Wigner (Ex. 6).

that day due to working in Bethel.<sup>17</sup> He made a comment about wanting to punch her (minor) child in the face. He said that it was good that her parents were both dead, because they didn't have to see what a bad mother she was. He criticized her for wearing makeup at work, and for friendships with men. He called her a "slutty whore," a "lying bitch," and other more vulgar insults. He told her that the rest of the department hated her and wanted her gone.<sup>18</sup>

Officer Doe initially attempted to control and deescalate the situation by maintaining a light mood and not engaging. She pulled up a TV show to watch on her phone. At some point, she tried to start the patrol car, and discovered it would not start. This was after Officer McQuoid had been kicking his feet in the footwell of the passenger seat where the fuse box is located; it would later be discovered that a fuse had come loose in this area. Unaware of the fuse issue, Officers McQuoid and Doe then set about trying to locate jumper cables to restart the car.

Sometime after 1:30 a.m., Officer Doe called BPD Dispatch on her cell phone looking for jumper cables.<sup>19</sup> The 90-second call was recorded. The call was answered by a Dispatch trainee and Dispatch Supervisor Jonathan Smith.<sup>20</sup> Shortly after the call began, Officer McQuoid grabbed Officer Doe's phone and took over the call. Officer McQuoid was audibly inebriated, slurring his words, speaking at an elevated volume, and having to be reminded where he was. For her part, Officer Doe sounded cheery throughout the call, and could be heard laughing and giggling.<sup>21</sup> She could be heard telling Officer McQuoid to give back her phone, but did not sound distressed, nor did she say anything to suggest a conflict with Officer McQuoid.

After Officer McQuoid took her phone, Officer Doe could be heard again asking Dispatch for jumper cables. Officer McQuoid interjected, "shut up, shut up, somebody shut up, everybody shut up," before stating that they needed jumper cables, "because everyone's fucking tired and I'm drunk and I can't walk home." An audibly annoyed Jonathan Smith can then be heard saying that he would go get Officer McQuoid. Jonathan Smith later told a BPD investigator that he went to pick up Officer McQuoid to keep him from "mak[ing] a fool of

---

<sup>17</sup> Like many rural law enforcement officers, Officer Doe's family home is outside of Alaska, and she flies in for periods of time to work.

<sup>18</sup> Doe testimony; Ex. 1, pp. 16-18; Ex. 6.

<sup>19</sup> Doe test.; Roberson test.; Ex. 7.

<sup>20</sup> Dispatch Supervisor Jonathan Smith is not related to former dispatcher Ryan Smith.

<sup>21</sup> The Dispatch trainee was a close friend of Officer Doe, who attributes her own laughter at the start of the phone call to surprise at the trainee answering the dispatch call.

himself in front of other officers” or causing “an incident.”<sup>22</sup> He testified that it was “a priority” to get McQuoid home “due to his intoxication and being at that scene and having him out in public,” even while not on shift. It appears from the recording that Dispatch terminated the call by hanging up on Officer McQuoid.<sup>23</sup>

At some point during this time, Officer Doe texted the Robersons to see if anyone there could come get Officer McQuoid, as well as texting Jonathan Smith to apologize for Officer McQuoid’s drunken behavior.<sup>24</sup> Sometime after Jonathan Smith left BPD to get him, Officer McQuoid placed a second call to BPD Dispatch, again asking for jumper cables. Officer McQuoid was much more subdued in this second call, and Officer Doe could be heard talking to him in the background in a quiet tone. Other than again reminding him where he was, her words are not decipherable in the audio recording, but there is no laughing or bubbly tone. This call lasted less than a minute, with the dispatcher telling Officer McQuoid that someone had left BPD to bring them jumper cables, and Officer McQuoid thanking him and ending the call.

In the meantime, Officer McQuoid continued grabbing at Officer Doe's cell phone and, at some point, her police radio.<sup>25</sup> Officer Doe was upset that Officer McQuoid was acting without regard for her being on duty, was distracting her with “very childish and unprofessional” conduct, and was trying to engage with police equipment while off duty and very intoxicated.<sup>26</sup> After attempts to placate him were unsuccessful, and Officer McQuoid continued acting out and grabbing at her radio, Officer Doe tried a firmer approach. That led to an escalated conflict, including Officer McQuoid assuming a physically aggressive stance towards the much smaller Officer Doe and, at one point while trying to access her radio, grabbing and squeezing her wrist.<sup>27</sup> Officer McQuoid was visibly agitated, assuming an

---

<sup>22</sup> Ex. 1, p. 20; Ex. 3. Of note: Exhibit 3 is the audio recording of Jonathan Smith’s 5-minute interview. The same interview is summarized in Lt. Wigner’s report at Ex. 1, p. 20, but contains a typographic error, indicating that Smith “said he went to go get him to he would not make a full (sic) of himself in front of other officers and cause an incident.” Part of the recording was played during the hearing, but it was not formally moved into evidence. Because the exhibit is in the agency record, consists solely of Smith’s own statements, and is better evidence of those statements than Lt. Wigner’s summary of them, Ex. 3 is considered admitted here.

<sup>23</sup> Ex. 7.

<sup>24</sup> Doe testimony, Ex. 1, p. 17, Ex. 6.

<sup>25</sup> Doe testimony, Ex. 1, p. 17, Ex. 6.

<sup>26</sup> Doe testimony, Ex. 6.

<sup>27</sup> Doe testimony, Ex. 1, p. 18, Ex. 6.

aggressive stance that Officer Doe described as “bowing up,”<sup>28</sup> and at one point throwing his own cell phone into the corner of the dashboard in apparent frustration.<sup>29</sup>

Officer Doe initially “tried to keep the mood light,” but was “honestly pretty scared.” While the wrist grab was the only incident of actual physical contact during the altercation, Officer McQuoid’s statements, actions, and demeanor were deeply upsetting to Officer Doe. Although law enforcement officers are trained to respond to a variety of erratic and even dangerous behaviors from civilians, experiencing such behavior in an enclosed space and from a fellow officer was both frightening and profoundly distressing.

With Officer McQuoid still refusing to get out of her car and continuing to make aggressive statements, Officer Doe eventually decided to exit the car herself, feeling that this was the safest way to deescalate the situation while waiting for help to arrive. A few minutes after she got out of the car, Officer McQuoid exited the car, said something along the lines of, “fuck you and this stupid department, I’m glad I’m leaving, fuck all y’all,” and began walking away.<sup>30</sup>

### 3. *Arrival of other officers to AVCP site*

Around this time, Dispatch Supervisor Jonathan Smith arrived. He did not speak to Officer Doe except to ask where Officer McQuoid was, and she did not disclose to him anything about what had just occurred.<sup>31</sup> He found Officer McQuoid, who was visibly intoxicated, swaying slightly, and talking too fast for Smith to make sense of what he was saying. Officer McQuoid’s explanation of what had just occurred “was being told so out of order” that Smith was unable to follow it, other than McQuoid saying he had “called [Officer Doe] out on her bullshit.”<sup>32</sup>

At 1:45 a.m., shortly after Smith’s arrival, Officer Doe texted Jackson Roberson about the unfolding situation, saying he should come to the scene because she thought Smith and McQuoid might get into a physical altercation. She indicated that she was so upset that she was

---

<sup>28</sup> “Bowing up” is a term used in the southern U.S. to describe, a “threatening or defiant posture.” *DARE: Dictionary of American Regional English*, Belknap Press, available online at <https://dare.wisc.edu/words/quarterly-updates/quarterly-update-7/bow-up/> (last accessed 10/27/23).

<sup>29</sup> This occurred during a conversation in which Officer McQuoid criticized Officer Doe’s friendship with a male firefighter, she defended the notion of women and men being capable of platonic friendships, and him responding, “no, the fuck you are, will you just fucking listen to me for five minutes?,” followed by throwing his phone in frustration. Doe test.; Ex. 1, p. 17; Ex. 6.

<sup>30</sup> Doe test., Ex. 6.

<sup>31</sup> J. Smith testimony.

<sup>32</sup> J. Smith testimony; Ex. 1, p. 20; Ex. 3.

going to resign.<sup>33</sup> She also texted him photos of the damaged fuse box and scuff marks on the door panel and dashboard, stating that she thought her car trouble was due to a loose fuse because “my fuse box is open and Quinlan was kicking everything.”<sup>34</sup>

Officer McQuoid was initially uncooperative with Smith’s efforts to get him into his car, but eventually relented, and Smith drove him home.<sup>35</sup> In the meantime, Officer Roberson had notified Acting Chief Jesse Poole of the situation with Officer Doe’s vehicle, and Lt. Poole responded to the AVCP scene. Lt. Poole observed Officer Doe to be uncharacteristically upset.<sup>36</sup> When asked what was going on, she described the encounter with Officer McQuoid – specifically, that he had belittled her, called her names, and kicked and hit the squad car. Lt. Poole’s impression was that that Officer Doe was “distracted” about the encounter.<sup>37</sup>

Sometime after 2:30 a.m., Officers Boyle and Roberson arrived.<sup>38</sup> They also found Officer Doe “pretty shaken up,” and “in a state of emotional distress.”<sup>39</sup> She was physically shaking, speaking rapidly with labored breathing and a cracking voice, on the verge of tears.<sup>40</sup> Officer Roberson tried to get her into a running car to warm up because she was shaking, but she explained that the shaking was not due to being cold. Based on both her comments and her demeanor, he understood that her interaction with McQuoid had been “pretty bad.”

From Officer Boyle’s perspective, Officer Doe was “rattled” and “appeared to be genuinely upset.” Based on his own training and experience, he concluded that she had been “in genuine fear for her safety.” Believing that the incident embodied all elements of a fear-based assault charge, Officer Boyle offered to take a formal report or even arrest Officer McQuoid if Officer Doe wanted to press charges, but she declined.<sup>41</sup>

### *C. BPD Investigation*

Although Officer McQuoid had already resigned from BPD and had no more shifts to work, he was still an employee, and scheduled to remain so for almost four more weeks.

---

<sup>33</sup> Ex. 1, p. 131 (text sent at 1:45 a.m.). At some point during the night she also texted her direct supervisor “stating she had an argument with Officer Quinlan McQuoid and she was quitting.” Ex. 1, p. 16. And later that morning, she told Lt. Wigner that she was thinking of quitting because of the encounter. Wigner testimony.

<sup>34</sup> Ex. 1, p. 132 (text sent at 2:35 a.m.).

<sup>35</sup> J. Smith testimony; Doe testimony; Ex. 3; Ex. 6; *see also*, Ex. 1, p. 20 and Ex. 7 (Roberson description of Griffin account that “when [Jonathan] Smith showed up, McQuoid got aggressive with him, but he got in the vehicle and left with Smith.”).

<sup>36</sup> Poole testimony.

<sup>37</sup> Poole testimony.

<sup>38</sup> Ex. 1, p. 101, 132.

<sup>39</sup> Roberson testimony; Ex. 4 (Boyle interview); Ex. 7 (Roberson interview).

<sup>40</sup> Roberson testimony.

<sup>41</sup> Ex. 1, pp. 18-19; Ex. 4.

Accordingly, later the same day, Acting Chief Poole assigned Lt. Christopher Wigner to investigate the incident.<sup>42</sup>

Officer Doe's August 16 statement to Lt. Wigner was consistent with her hearing testimony. She told him that McQuoid had approached her while she was on duty at AVCP, and that over the course of the conversation he became belligerent, referring to her in vulgar and profane language, and making disparaging statements about her ex-husband and her minor children. As in her testimony, she told Lt. Wigner that these statements began before Ryan Smith left, and that after Smith left she discovered that her car would not start. She stated that McQuoid was very physically aggressive towards her but did not touch her except for grabbing and squeezing her wrist while she was trying to keep him from accessing her police radio. She said that she was very scared during the encounter.<sup>43</sup>

Officers Boyle and Roberson both described to Lt. Wigner their observations of Officer Griffin's demeanor immediately after the incident.<sup>44</sup> Both related her account, given immediately after the incident, of Officer McQuoid acting agitated, verbally abusive, and physically aggressive towards her, and both described her as genuinely fearful and in genuine distress.<sup>45</sup>

Officer Wigner also briefly interviewed Dispatcher Jonathan Smith, and Officer Tristan Ewan, who had looked at the damaged car and noted footprints and a loose fuse.<sup>46</sup> Jonathan Smith relayed that Officer Doe told him Officer McQuoid had "said some things he shouldn't have said," but which Smith did not wish to repeat, saying they were "personal details." He also reported Officer Doe telling him that Officer McQuoid had "bowed up" towards her in an aggressive posture.<sup>47</sup> Officer Ewan reported having spoken to Officer Doe about the damaged fuse box in her patrol vehicle.

Apparently because of work schedules, a different BPD supervisor interviewed Officer McQuoid. The interview lasted less than eight minutes, of which barely three were spent discussing the events of August 15-16, and even less were spent on the actual incident. Officer McQuoid expressed not really remembering what had occurred, but feeling bad that "whatever

---

<sup>42</sup> In addition to Officer Roberson reporting the incident to Lt. Poole, Officer Doe also reported it to both her direct supervisor, Sgt. Charles, and to Lt. Wigner.

<sup>43</sup> Ex. 6.

<sup>44</sup> Ex. 1, pp. 18-19, and Ex. 4 (Boyle Int., 8/16); Ex. 1, pp. 19-20, and Ex. 7 (Roberson Int., 8/17).

<sup>45</sup> Ex.1, pp. 91-93.

<sup>46</sup> Evan testimony; Ex. 1, p. 121.

<sup>47</sup> Smith testimony; Ex. 1, pp. 20-21; Ex. 3 (Smith Int. 8/19).



[he] did” had impacted Officer Doe. He began his statement with, “I feel bad that whatever I did made [Doe] feel that she needed to go to leadership.” He then described the interaction as follows: “I’d drank too much and we went over and chatted with [Doe] and I probably said something ’cause I drank too much, and when she said to leave I left. So you know that’s pretty much it.” When asked whether Officer Doe’s car was running when he arrived, he responded, “I can’t remember, I drank too much, honestly.” Officer McQuoid wrapped up his statement by saying, “[s]o, you know, I feel terrible. Yeah, no, you know, I feel bad that I made [Doe] feel this way.”<sup>48</sup>

In considering the evidence gathered, Lt. Wigner concluded that Officer Doe’s account was corroborated by others who were with Officer McQuoid beforehand (while acting “stupid drunk” and banging on the wall) or with Officer Doe immediately after (in an uncharacteristic display of emotional distress), as well as by Officer Doe’s contemporaneous text messages, Officer McQuoid’s drunken state in phone calls to Dispatch, the photos of the car, and the damaged fuse box itself.<sup>49</sup> In a report dated August 29, 2023, Lt. Wigner found that Officer McQuoid had violated a Departmental policy requiring employees to treat colleagues, among others, “courteously,” and to “not use abusive, violent, insulting or provoking language which could be deemed insulting to any person or group.”<sup>50</sup> Believing that the evidence showed the crime of fourth-degree assault had been committed – that is, that a person was placed in fear of bodily injury due to the actions of another person – Lt. Wigner also referred the matter to the BPD investigation sergeant for consideration of possible charges.<sup>51</sup>

#### *D. Termination of employment*

Prior to this incident, Officer McQuoid had not been investigated for disciplinary matters or had disciplinary action taken against him by BPD. Like Lt. Wigner, however, Acting Chief Poole concluded that Officer Doe’s account of the August 16 encounter was corroborated through other officers’ perceptions of her demeanor in the immediate aftermath of the incident, as well as through other evidence.<sup>52</sup> Accordingly, Acting Chief Poole made the decision to terminate Officer McQuoid one week before his scheduled last day.<sup>53</sup>

---

<sup>48</sup> Ex. 2.

<sup>49</sup> Wigner testimony.

<sup>50</sup> Ex. 1, pp. 2, 88-94.

<sup>51</sup> Ex. 1, p. 18; Wigner testimony.

<sup>52</sup> Poole testimony.

<sup>53</sup> Ex. 1, pp. 11, 119; Poole testimony.

As is required whenever an officer leaves employment, the BPD submitted an F-4 personnel action form to the Alaska Police Standards Council (APSC). The F-4 indicated that Officer McQuoid had a sustained finding of misconduct, had been terminated, and was ineligible for rehire. The form also recommended that Officer McQuoid not be granted certification as a police officer.<sup>54</sup>

The basis for the ineligibility for rehire determination, and the recommendation against certification, was the same as the basis for termination. Acting Chief Poole considered Officer McQuoid's conduct towards Officer Doe to be sufficiently egregious to warrant termination, and believed that law enforcement executives bear a general responsibility to ensure that other agencies have access to such information before making hiring decisions.<sup>55</sup>

*E. Disqualification letter*

The F-4 triggered an investigation and, ultimately, a recommendation by the APSC Executive Director that Officer McQuoid be deemed ineligible for certification. On March 19, 2023, APSC Administrative Investigator Sarah Hieb notified Officer McQuoid in writing of the Executive Director's determination that the events discussed above rendered him "disqualified from certification."

After noting that the basic standards for certification include "good moral character," the Notice informed Officer McQuoid that "the Executive Director of APSC has determined you are disqualified from serving as an officer based upon the incident that occurred on August 15, 2022 in Bethel." The Notice informed Officer McQuoid of his right to appeal the decision to the Council for a hearing, and also included a separate "Statement of Issues," identifying in more detail the bases upon which the Executive Director had made the disqualification.<sup>56</sup>

Officer McQuoid, through counsel, requested a hearing before the Council, which upheld the Executive Director's disqualification determination. Officer McQuoid then requested this administrative hearing.

*F. Procedural history*

The two-day hearing was held on October 10-11, 2023 before the Office of Administrative Hearings. Both parties were represented by counsel, and testimony was taken from Tristen Evan, Sarah Hieb, Officer Doe, Jesse Poole, Jackson Roberson, Jonathan Smith,

---

<sup>54</sup> Ex. 1, p. 10.

<sup>55</sup> Poole testimony.

<sup>56</sup> Ex. 1, pp. 25-30.

Ryan Smith, and Christopher Wigner. Neither party called Officer McQuoid as a witness, although his eight-minute investigative interview (Exhibit 2) was admitted into evidence, as was the interview of Brandon Boyle (Exhibit 4). Exhibit 1 (the APSC investigatory file), Exhibits 3 and 6 (Lt. Wigner’s interviews of Jonathan Smith and Officer Doe), and Exhibits 8 and 9 (the two recorded phone calls to BPD Dispatch) were also admitted, with hearsay objections noted as to certain portions of Exhibits 1, 3, 4, and 6.<sup>57</sup> The parties submitted post-hearing briefing, and this decision follows.

*G. Evidentiary and credibility issues*

An unusual aspect of this certification case is the complete absence of any testimony or other statements from the Respondent. Officer McQuoid chose not to testify, and the Executive Director chose not to call him as a witness. Officer McQuoid’s defense was almost entirely an attempt to discredit Officer Doe. For the reasons below, these efforts were not persuasive.

1. Impeachment of Officer Doe

Officer McQuoid’s counsel attempted to establish that Officer Doe was an unreliable witness because of alleged alcohol abuse while off duty. That is, counsel did not attempt to show that Officer Doe was impaired on duty – either on August 16 or at any other time – but rather that she had a habit of drinking to excess while off duty, and that this made her an unreliable witness. No witnesses supported these allegations, however. There is evidence that, for a period of time before this incident, Officer Doe had begun drinking more (off duty) as a coping mechanism during a very stressful personal situation. She recognized this unhealthy pattern and resolved it. In her August 16 interview, she told Lt. Wigner that Officer McQuoid knew she had previously used alcohol to “numb [her] thoughts,” but no longer did so. Immediately after describing this prior pattern, she clarified – “Not anymore, like, I’m good now. I’ve been doing soul searching.” Nor did other witnesses endorse counsel’s repeated suggestions that Officer Doe engaged in any noteworthy use or abuse of alcohol. The evidence did not support Officer McQuoid’s suggestion that Officer Doe’s previous relationship with alcohol while off duty impaired her ability to perceive or report the events of August 16.

---

<sup>57</sup> In addition to the interview recordings that were moved into evidence and admitted, portions of Exhibit 7, Officer Roberson’s interview, were played during the hearing, but the interview was not moved into evidence. As noted below, however, Exhibit 1 contains Lt. Wigner’s detailed summary of that interview. To the extent that questions have arisen about the contents of the interview, the interview itself (Exhibit 7) is relied on rather than Lt. Wigner’s summary in Exhibit 1.

Officer McQuoid’s counsel also attempted to establish that Officer Doe was an unreliable witness because she was going through personal turmoil in a custody case. Again, the evidence did not support the suggestion that, at the time of this incident, Officer Doe's stressful custody case impaired her ability to perceive, react to, or accurately describe events. While Officer Doe told Lt. Wigner about having been “in a very bad, like, dark headspace,” and confiding in Officer McQuoid during that time, she did not characterize herself as *currently* holding such a mindset. To the contrary, she clarified that she was “good now.” Officer Doe also described posing to Officer McQuoid a hypothetical question asking how he would feel if someone he treated the way he was treating her during the altercation responded with an act of self-harm. However, she clearly stated to Lt. Wigner that this question was a hypothetical and not a suggestion about her own mental state. While Officer Doe candidly admitted that her “vicious custody battle” had been very challenging, and that at one point she experienced and was treated for some situational depression related to it, the evidence in no way supported the inference that she was unstable.<sup>58</sup> Nor did other witnesses support the characterization of Officer Doe as lacking the mental stability to be an accurate witness of the events of August 16. Lt. Wigner testified that his own observations of Officer Doe in the workplace did not support any notion of a mental health problem. Officer Roberson, who described observing Officer Doe in obvious emotional distress shortly after the altercation, testified to only having seen Officer Doe similarly distraught on one other occasion – upon learning that a family member had been run over by a car. In short, the evidence did not support a characterization of Officer Doe's functioning as impaired by instability.

Counsel also attempted to impeach Officer Doe as an unreliable witness by suggesting that she is prone to exaggeration or lies. But the evidence did not support a finding that Officer Doe is untruthful in any manner beyond typical conversational hyperbole. Ryan Smith testified to a single occasion – well after this incident and while they were in a dating relationship – on which Officer Doe characterized his actions in a manner he felt exaggerated their severity. In that incident, after an argument in which he says he “was mad and yelling” at Officer Doe, she told him that she had felt afraid he was going to hit her, saying that his fists had been “balled up.” As recounted by Mr. Smith, “I was just yelling; I don’t believe I was balling up my fists.” Mr. Smith’s uncertainty during this event provides insufficient evidence to

---

<sup>58</sup> The evidence likewise did not support Officer McQuoid’s attempts to suggest that a traumatic childhood experience made Officer Doe's narrative unreliable.

conclude that Officer Doe's description of the event was an exaggeration in the first instance. Ryan Smith also concedes that, while he and Officer Doe recall their argument differently, she did not take further action beyond telling him that she had felt threatened. Moreover, a private disagreement with a romantic partner is inherently different from being accosted by a drunk colleague while on duty. For all of these reasons, the leap of using that event to impeach Officer Doe's credibility as to this one is not supportable.

Other than Ryan Smith's testimony about their argument, there was no testimony to support the portrait of Officer Doe as an unreliable reporter of these events. To the contrary, the only other witness to address Officer Doe's truthfulness was Dispatch Supervisor Jonathan Smith, who testified that he knows Officer Doe to be "truthful and honest" where work matters are concerned. As to personal matters, Dispatch Supervisor Smith testified that Officer Doe engages in the same amount of normal exaggeration and hyperbole as others do, and was unable to identify a single specific example. In short, the evidence did not establish that Officer Doe is an unreliable witness.

## 2. Evidentiary discrepancies

Two other issues were raised about discrepancies between Officer Doe's testimony and other evidence. First, Officer Doe and Ryan Smith gave differing versions of the beginning moments of the August 16 altercation – specifically, about whether Officer McQuoid's negative and vulgar comments began before Mr. Smith left the scene, and about the circumstances of Smith's departure. Officer Doe is certain that at least some of the offensive comments were made before Mr. Smith left, while Mr. Smith denies hearing any offensive or aggressive statements from Officer McQuoid. Officer Doe recalls she and Mr. Smith trying to get Officer McQuoid to leave, McQuoid being combative with both of them, and Smith eventually giving up and leaving. Mr. Smith describes a much smoother departure, in which he simply drove off after either "getting the verbal okay" from both of them or having no indication that he shouldn't leave.

In his testimony Mr. Smith was commendably candid about his own personal difficulties, but for various reasons may have been more likely to understate his role in leaving a very drunk Officer McQuoid alone with Officer Doe. (He and Officer Doe no longer speak, while he has a continuing friendship with Officer McQuoid). Unlike the other witnesses, who were BPD employees, Mr. Smith was not interviewed as part of the initial investigation, when his memory of the events would have been fresher. During her own interview on August 16, Officer Doe

read and showed Lt. Wigner text messages she sent and received during the encounter itself and after, including an exchange with Smith that corroborates her description of Smith being unable to get Officer McQuoid to leave with him.<sup>59</sup> While Officer Doe admits to some amount of shock after the altercation that could impact her recollection of details such as the sequencing of events, her narrative has been largely consistent since immediately after the incident. Compared with Mr. Smith's vaguer and somewhat guarded testimony, Officer Doe's recollection is more credible than Mr. Smith's.

The second evidentiary issue concerns Officer Doe's testimony about Officer McQuoid grabbing her wrist. Officer McQuoid argues that Officer Doe is exaggerating or lying because she testified to a wrist injury which she did not report during her August 16 interview with Lt. Wigner. When interviewed by Lt. Wigner, Officer Doe stated that she was uninjured, and described the only physical contact as Officer McQuoid "squeezing" her wrist while they grappled for the radio. During her hearing testimony, Officer Doe testified that Officer McQuoid bent her wrist back painfully to the point that it felt like it would break. When asked about this discrepancy, Officer Doe responded that her wrist hadn't hurt at the time of the altercation, but began hurting the following day. She explained she had had multiple prior wrist surgeries, including one just a few months before the August incident, and that the onset of pain from Officer McQuoid grabbing her wrist during their altercation was not immediate.

Officer Doe forcefully rejected the suggestion that her fundamental account of the altercation had changed. She insisted that she had described the key events – Officer McQuoid screaming at her, using vulgar language, kicking the dash, and grabbing her wrist – consistently from the start, and that possibly not having included "every little detail" when interviewed "after a 12-hour shift and a panic attack" did not undermine the credibility of her account. This decision agrees that Officer Doe's account of the key events in the altercation have been credibly consistent since the initial event, and that minor discrepancies – including how her wrist was grabbed and whether the pain was immediate or delayed – do not undermine that overall credibility and consistency.

---

<sup>59</sup> Ex. 6, at 30:45 ("So I texted Ryan and I said, 'dammit Ryan.' And he said, 'What?' And I was like, 'he's fucking drunk, dude, and acting the fool.' And he was like, 'I'm sorry, I'm sorry. I told him to get in the car but you know he wouldn't listen to me.' And I was like, 'yeah, he's called dispatch several times, and tried to rip my radio out the car, and told me over and over that my kids have no mom.' He said, 'yeah man, he's a fucking drunk. I can't control him, though. I've done tried'").

### III. Discussion

#### A. Legal Framework

The Alaska Police Standards Council is tasked with ensuring that police officers in Alaska “meet minimum standards for employment.”<sup>60</sup> The Council sets the professional requirements for certification, and is empowered to deny an application if the applicant “does not meet the standards” set out in the Council’s regulations, or to revoke a certificate if the holder does not meet those standards.<sup>61</sup> The Council’s authority in this regard includes certain grounds under which denial or revocation is discretionary, and other grounds under which it is mandatory. Relevant to the present case, the Council *may* deny a certificate if a candidate has been:

discharged from employment as a police officer for conduct that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked.<sup>62</sup>

The Council *must* deny a certificate if a candidate lacks good moral character,<sup>63</sup> or has been:

discharged from employment as a police officer for conduct that would cause a reasonable person to have substantial doubt about an individual'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 police department where the police officer worked.<sup>64</sup>

Because Alaska law permits an officer to be employed for up to one year before obtaining certification, it is possible for an applicant for a police officer position to not yet hold a certification and to not yet have submitted an application. The Council’s regulations therefore permit the Council’s Executive Director to make a determination of a police officer job applicant’s ineligibility for certification if an applicant does not satisfy the standards and qualifications for certification.<sup>65</sup> That decision is reviewable by the Council, including a right to a hearing under the Administrative Procedure Act (APA).

An action under the APA is initiated by either an Accusation – where an agency seeks to restrict an extant “right, authority, license, or privilege” – or a Statement of Issues – where an individual is seeking a right, authority, license, or privilege in the first instance.<sup>66</sup> While the

---

<sup>60</sup> AS 18.65.150.

<sup>61</sup> AS 18.65.240(c), 13 AAC 85.110(a), 13 AAC 85.010(a)-(b).

<sup>62</sup> 13 AAC 85.100(a)(2).

<sup>63</sup> 13 AAC 85.100(b)(3).

<sup>64</sup> 13 AAC 85.100(b)(4).

<sup>65</sup> 13 AAC 85.100.

<sup>66</sup> AS 44.62.360, AS 44.62.370.

Executive Director initiated this matter with a Statement of Issues, the procedural posture is more appropriately suited for an Accusation. The Director’s finding of ineligibility is an action affecting an extant right or privilege – the ability to seek certification – and was taken on the Director’s own initiative. Because it is the Director that seeks to change the status quo, the correct procedure under the APA would have been an Accusation, rather than a Statement of Issues. Mr. McQuoid also did not object to the Statement of Issues as procedurally improper, and the procedural error is harmless, as the “Statement of Issues” contained all information that would have been required in an Accusation.

In keeping with the fact that this case represents an affirmative finding of future ineligibility to apply, it effectively withdraws an existing privilege—the privilege to apply for certification. The APA assigns the burden of proof to the Executive Director in this situation.<sup>67</sup>

A person who has been found ineligible for certification may, after one year, petition the council for rescission of that finding.<sup>68</sup>

#### **B. Evidentiary issues**

During the hearing, Officer McQuoid made numerous hearsay objections, and eventually moved to exclude all testimony from witnesses about what Officer Doe said to those witnesses about her encounter with Officer McQuoid. That motion was denied on the record, and the basis for that denial is reiterated here.

When a hearing is held under the Administrative Procedure Act (APA), the technical rules of evidence do not apply.

Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of the evidence over objection in a civil action.<sup>69</sup>

In hearings such as this one that are conducted under the Administrative Procedures Act (APA), a specific rule governs the use of hearsay – that is, statements made outside of the hearing being offered at the hearing to prove the truth of the matter asserted in the statement. Hearsay that is not admissible in court is still admissible in APA proceedings, but its use is restricted based on whether or not it is corroborated by other evidence. The restriction, known as the *residuum* rule, is that “[h]earsay evidence may be used to supplement or explain direct evidence but is not

---

<sup>67</sup> AS 44.62.460(e)(1).

<sup>68</sup> 13 AAC 85.100(d).

<sup>69</sup> AS 44.62.460(d).



sufficient by itself to support a finding unless it would be admissible over objection in a civil action.”<sup>70</sup>

In this case, as Mr. McQuoid’s counsel noted, the evidence includes hearsay, including the following. All the recorded interviews are statements made outside of the hearing. To the extent those statements are offered “for the truth of the matter asserted” – i.e. as evidence that what is being reported by the interview subject is what occurred – they are hearsay. Lt. Wigner’s investigative report is “double hearsay.” The first layer of hearsay is the underlying statements being described by the investigator; the second layer of hearsay is the investigator’s actual description of those statements. And to the extent that some witnesses’ testimony contained descriptions of statements made by others, those statements were hearsay if offered to prove the truth of the matter asserted.

But multiple exceptions to the hearsay rules are also implicated in this case. Out-of-court statements by Officer McQuoid – for example, his statement that his memory is not clear because he drank too much – are not hearsay if offered against him, because they are “admissions of a party opponent.”<sup>71</sup> Many prior statements by a witness are also not hearsay.<sup>72</sup> Additionally, statements of present sense impression, excited utterances, and statements of “then-existing mental, physical or emotional condition” are admissible hearsay.<sup>73</sup> Many if not all of Officer Doe’s statements to responding officers about the events that had just occurred fall within these exceptions.

More fundamentally though, because Officer Doe provided firsthand testimony at hearing about the events of August 16, the residuum rule permits the use of other witness’s

---

<sup>70</sup> AS 44.62.460(d).

<sup>71</sup> Alaska R. Evid. 801(d)(2).

<sup>72</sup> Alaska R. Evid. 802(d)(1). A witness’s prior statements are not hearsay if the statement is either inconsistent with the witness’s testimony, or consistent with the witness’s testimony and offered to rebut a charge of recent fabrication. Of note, this exception to the hearsay rule provides that, “unless the interests of justice otherwise require,” prior inconsistent statements will be excluded unless the witness was examined about them while testifying and had an opportunity to explain. In this case, some prior inconsistent statements were not addressed by either counsel but became apparent in the ALJ’s later review of the exhibits. The most significant example is Officer Roberson’s testimony that Officer McQuoid had been banging on the wall before leaving the party. On cross-examination, he retracted that statement after being asked whether wall banging might have instead occurred on a different night. But he was not confronted with his statement to Lt. Wigner just one day after the party, where he described McQuoid banging on the walls. The totality of the circumstances would support treating the original statement to Lt. Wigner as a non-hearsay prior inconsistent statement under Rule 801(d)(1)(A).

<sup>73</sup> Alaska R. Evid. 803(1) (“A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter”); (2) (“a statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition”); (3) (“A statement of the declarant’s then existing state of mind [or] emotion, sensation... offered to prove the declarant’s present condition or future action”).

hearsay testimony about her statements to them about the events in order to “supplement or explain” Officer Doe's non-hearsay firsthand testimony. Similarly, the recorded interviews conducted by Lt. Wigner may be used to “supplement and explain” the testimony of those witnesses about what they saw or were told.

**C. Has the Executive Director established discretionary grounds for a finding of ineligibility?**

The Council has discretion to deny a certificate, or find a police officer job applicant ineligible for certification, where the applicant has been

discharged from employment as a police officer for conduct that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked.<sup>74</sup>

The Executive Director’s first count seeks disqualification on this basis.<sup>75</sup>

For reasons described in detail above, the evidence in this case supports a finding, on a more likely than not basis, that Officer McQuoid, while intoxicated, used abusive language towards an on-duty colleague and, by his words and actions, placed her in fear of imminent physical injury. The evidence further supports the conclusion that this conduct, for which BPD terminated Officer McQuoid, both adversely affected his ability and fitness to perform his job duties, and was detrimental to the reputation, integrity, and discipline of the department.

In terms of whether Officer McQuoid’s conduct adversely affected McQuoid’s ability and fitness to perform his job duties, this decision does not accept Officer McQuoid’s argument that this standard is inapplicable to him because he had no remaining shifts to work at BPD, i.e., because he had no “job duties” to “perform.” Such a reading of the regulation would yield absurd results, giving an officer in Officer McQuoid’s position – still employed but with no further shifts left to work – a free pass for misconduct. A more reasonable reading is that which has been applied to other standards even within this same regulation. In the context of looking at whether an officer’s conduct was “detrimental to the reputation ... of the department where the police officer works,” the Council has explained that this inquiry “does not require a showing that the employer’s reputation was actually harmed; it simply needs to be the kind of conduct that, if known, would discredit the employing law enforcement agency.”<sup>76</sup> The same analysis is

---

<sup>74</sup> 13 AAC 85.100(a)(2).

<sup>75</sup> Ex. 1, p. 28.

<sup>76</sup> *In re Medina*, OAH No. 21-2495-POC (APSC 2022), citing *In re Bowen*, OAH No. 10-0327-POC (APSC 2011), at 14.

appropriate to the question of whether misconduct adversely affects an officer's ability and fitness to perform the duties of their position. A showing of actual impact is not required -- indeed, requiring such a showing would be at odds with the regulation's focus on termination for the identified misconduct. Instead, the Executive Director must show that the conduct is the type of conduct which would adversely affect an officer's fitness for duty. Here, the answer is yes. Officer McQuoid's conduct in placing a fellow officer in actual fear of imminent physical harm is conduct that adversely affects his fitness to perform his job duties.

An intoxicated off-duty officer drunkenly acting out in the front seat of an on-duty officer's patrol car, grabbing at equipment, trying to talk over the (open air) radio, making drunken (recorded) calls to Police Dispatch, and refusing requests and directions to stop, is conduct that is detrimental to the reputation of the department.<sup>77</sup> In addition to the inappropriateness of this conduct occurring in the patrol car of an on-duty officer in any context, the reputational impact is heightened in this case by the conduct occurring in the patrol car of the officer tasked with providing scene security at a high profile multi-fatality arson at a public housing facility. If a citizen saw Officer McQuoid's behavior in that context, it would likely have considerable negative reputational impacts to BPD as a whole.

As to an impact on the integrity of the department, integrity has two common meanings – moral uprightness, and the state of being whole and undivided. Both are critically important to a functioning police department. Verbally assaulting a colleague, including telling the colleague that the rest of the department wants them to leave, is an act that is detrimental to the integrity of the department in terms of departmental cohesion. Officer Doe's reaction to this behavior – including considering resigning on the spot – demonstrates the divisive impact of Officer McQuoid's conduct. Indeed, when asked why the incident led her to consider resigning, Officer Doe explained, “he was my brother, I would have [given] my life for him out there, and for this to happen, my faith in that department and that partnership and policing was just gone.”<sup>78</sup> Officer McQuoid's conduct was detrimental to the integrity of BPD because it undermined the collegiality, trust, and mutual respect necessary for officers to work safely together.<sup>79</sup>

---

<sup>77</sup> J. Smith testimony. .

<sup>78</sup> Doe testimony.

<sup>79</sup> This holding is not meant to suggest that personality differences or petty workplace squabbles are grounds for disqualification. To rise to such a level, behavior must be sufficiently severe and/or pervasive to constitute a material impact on the discipline or integrity of the department.

Drunkenly playing around in an on-duty officer's patrol car, grabbing at equipment, and refusing requests and directions to stop, is also conduct that is detrimental to the discipline of the department. The term "discipline" in this context refers to controlled behavior in accordance with a system of rules of conduct. Officer McQuoid's conduct was materially disruptive to Officer Doe's on-duty responsibilities, and was in that respect detrimental to the discipline of the department. An off-duty officer entering another officer's patrol car while intoxicated, damaging it (even if accidentally), attempting to access the radio, refusing to leave when asked, and otherwise disrupting the on-duty officer's performance of police duties represents a complete breakdown of the rules of conduct under which officers are expected to act.

In short, the Executive Director has established that Officer McQuoid was terminated for conduct that was detrimental to the reputation, discipline, and integrity of the BPD.<sup>80</sup> This is grounds for a discretionary finding of disqualification, and warrants disqualification in this case.

**D. Has the Executive Director established mandatory grounds for a finding of ineligibility?**

The Executive Director's remaining Counts allege mandatory grounds for disqualification. As a preliminary matter, the Council recently declined to reach a mandatory revocation claim, where discretionary revocation had already been established, for an officer accused of "volatile behavior" including yelling at other officers and over the police radio, among other negative behavior in the time between the officer tendering his resignation and his actual last day of work. In *Butler*, the Council observed that mandatory revocations are situations in which the Council has no discretion as to the outcome of the disciplinary proceeding. Because in such situations the Council is completely stripped "of any discretion in whether or not to revoke [or deny] the certificate," and because of the Council's strong interest in maintaining a fair and diligent denial and revocation process, there is a policy basis for

---

80

While this decision concludes that Officer McQuoid's conduct was detrimental to the integrity and discipline of BPD, it does not accept the Executive Director's suggestion that conduct is detrimental to the integrity or discipline of a department anytime that a failure to punish such conduct could undermine departmental morale. Such a definition improperly looks to the departmental response to the conduct, as opposed to the conduct itself. Nor is it relevant to the inquiry that many people in the department knew about the incident, or that the investigation may have distracted from other departmental business; again, these are not tests of the conduct itself. This decision similarly rejects the suggestion that the need to conduct an internal investigation is itself grounds for a finding of "detriment to the integrity of the department." Again erroneously focusing on the impact of the response to the conduct, instead of the impact of the conduct itself, this interpretation would lead to absurd, circular conclusions. It is the underlying conduct that must be detrimental to the integrity or discipline of the department — not because of how the department responds to it, but because of the disruptive nature of the conduct itself.

construing the mandatory denial/revocation provisions more narrowly than the provisions under which the Council may, but is not required, to act against a certificate.

1. Did the Director establish that disqualification is required due to Officer McQuoid lacking good moral character?

The Executive Director’s second count alleges Officer McQuoid “does not meet the standards in 13 AAC 85.010(a), the requirement that an applicant for certification must be “of good moral character.”<sup>81</sup> The Council’s regulations define good moral character to mean “the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual’s honesty, fairness, and respect for the rights of others and for the laws of this state and the United States.”<sup>82</sup> Thus, the Council must deny certification or find an applicant ineligible for certification upon a finding of “acts or conduct that would cause a reasonable person to have substantial doubts” about the applicant’s “honesty, fairness, and respect for the rights of others and for the laws[.]” The Council has interpreted this test to mean that failure to satisfy any one of these factors is sufficient to warrant a finding that an applicant lacks good moral character.<sup>83</sup> “That is, an officer whose conduct would cause a reasonable person to have substantial doubts about the officer’s respect for the rights of others lacks good moral character, even if the officer’s conduct raises no such concerns about their honesty or fairness.”<sup>84</sup>

The Executive Director argues that Officer McQuoid’s aggressive behavior towards Office Doe demonstrates a lack of good moral character.<sup>85</sup> The Executive Director’s pre-hearing brief argues that Officer McQuoid’s conduct met the elements of a fear assault, and mirrored “a familiar domestic violence pattern” for which both of these officers would be required to make a mandatory arrest in the domestic violence context. That behavior, the Executive Director argues, shows an absence of “fairness and respect for the rights of others.”

The Council has not previously addressed the good moral character requirement in a situation completely analogous to this one. In *Matter of Parcell*, an officer was terminated and

---

<sup>81</sup> While the Statement of Issues characterizes this as a discretionary ground, good moral character is a threshold requirement for certification, and a lack of good moral character renders an applicant categorically ineligible. 13 AAC 85.100(b)(3).

<sup>82</sup> 13 AAC 85.900(7). The definition further notes that, “for purposes of this standard, a determination of lack of ‘good moral character’ may be based upon a consideration of all aspects of a person’s character.”

<sup>83</sup> *In re E.X.*, OAH No. 13-0473-POC (APSC 2013), Decision at 15-18 (“A substantial deficit in any combination of these elements could establish an absence of good moral character, even if for some elements no deficit or doubt was proved”).

<sup>84</sup> *In re Butler*, OAH No. 23-0066-POC, at 17 (APSC 2023). The Alaska Supreme Court has acknowledged that the Council’s determination of good moral character for purposes of certification is a policy determination involving agency expertise. *Alaska Police Standards Council v. Parcell*, 348 P.3d 882, at 888 (Alaska 2015).

<sup>85</sup> Executive Director’s Prehearing Brief, p. 7.

later decertified after two incidents, 12 days apart, in which he made sexually-themed inappropriate statements and sent sexually-explicit texts to fellow officers while very intoxicated, and was then “less than truthful” in the internal investigation that followed. An arbitrator later found his behavior to have been “totally contrary to [his] professional responsibility,” “sexually offensive,” and “as far over the line as one could imagine.” By the time the certification question reached the Council, Mr. Parcell had achieved sobriety, acknowledged that his conduct was “inappropriate and rude,” and expressed that he was “very ashamed of his behavior.” Nonetheless, the Council revoked his certificate, concluding that his inappropriate sexually offensive remarks and his subsequent dishonesty during the investigation showed that he lacked good moral character.

Here, a preponderance of the evidence supports a finding that Officer McQuoid’s conduct in Officer Doe’s patrol car conformed to the elements of a fear assault. Officer Doe’s August 16 interview and hearing testimony both credibly support that she was frightened for her physical safety during the altercation. A responding BPD officer told Officer Doe that he would arrest Officer McQuoid if she wanted to press charges. And Lt. Wigner, upon the conclusion of his investigation, forwarded the information internally for consideration of criminal charges.<sup>86</sup> Officer McQuoid’s statements towards Officer Doe in the course of this incident – namely, his gendered and profane statements about Officer Doe specifically and women generally – raise further doubts about his respect for the rights of others.<sup>87</sup> Comparing the situation here to that in *Parcell*, Officer McQuoid’s unwelcome vulgar language was limited to a single event, but was also accompanied by verbally assaultive conduct sufficient to create genuine fear in Officer Doe. And here, unlike *Parcell*, there is no statement of contrition, or even acknowledgement of poor judgement, beyond a generalized statement of being sorry Officer Doe felt the way she did.

---

<sup>86</sup> The fact that criminal charges were not ultimately filed does not contradict the evidence that the conduct occurred or the conclusion that it satisfied by at least a preponderance of the evidence the elements of an assault.

<sup>87</sup> The Executive Director’s post-hearing brief argues that Officer McQuoid’s verbally abusive comments and physical intimidation “reveal his fundamental views about women,” and demonstrate a bias against women that “would cause a reasonable person to have substantial doubt about” his fairness. The Director argues that, because Officer McQuoid’s offensive statements to Officer Doe were largely related to her gender, they are evidence of a “bias against a protected class,” which he further argues should be a bar to certification given Alaska’s high rates of violence against women. The Council has never held that an officer’s conduct in a particular matter is evidence of that officer’s actual bias against a larger group, or that such a bias itself constitutes a lack of good moral character under the Council’s regulations. It is not necessary to address this novel theory, as to which no legal authority has been provided, as there are sufficient other grounds upon which Officer McQuoid is disqualified from certification.

Taken as a whole, Officer McQuoid’s behavior in Officer Doe’s patrol car was conduct that would cause a reasonable person to have substantial doubts about his respect for the rights of others. And while the Council’s regulations permit it to base its moral character determination “upon a consideration of all aspects of a person’s character,” Officer McQuoid elected not to testify, and therefore provided no countervailing evidence for the Council to consider.<sup>88</sup> The only direct statements by Officer McQuoid in the record are his very brief interview, in which he said he drank too much, “didn’t really remember” the incident, “probably said something,” and felt sorry for making Officer Doe “feel that she had to go to leadership.” Because Officer McQuoid’s conduct would cause a reasonable person to have substantial doubts about his respect for the rights of others, Officer McQuoid lacks the good moral character required to be eligible for certification at this time.

2. Discharge for conduct implicating a lack of moral character or a lack of respect for the rights of others and for the law.

The Executive Director’s third and final count argues that disqualification is required on the basis that Officer McQuoid was

Discharged from employment as a police officer at the Bethel Police Department for conduct that would cause a reasonable person to have substantial doubt about an individual’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 police department where the police officer worked.<sup>89</sup>

This regulation has two distinct prongs, applying to discharge for conduct that either “would cause a reasonable person to have substantial doubt about an individual’s honesty, fairness, and respect for the rights of others and for the laws,” or “that is detrimental to the integrity of the police department where the police officer worked.”

The first prong – discharge for “conduct that would cause a reasonable person to have substantial doubts” – uses the same language that the Council uses to define good moral character. Where good moral character is the absence of conduct that would cause a reasonable person to have substantial doubts about an individual’s core traits, denial of a certificate is mandatory where the individual has been terminated from employment as an officer for such conduct. This decision has already found that Officer McQuoid engaged in conduct that would cause a reasonable person to have substantial doubts about his fairness and respect for the rights

---

<sup>88</sup> 13 AAC 85.900(7).

<sup>89</sup> The Statement of Issues mistakenly cites to 13 AAC 85.260(b)(5), the provision applicable to correctional officers. The same language is found in 13 AAC 85.100(b)(4).

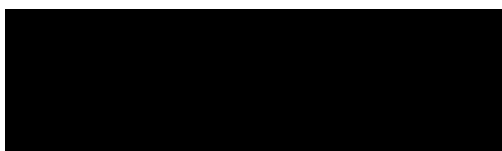
of others, and that he was discharged by BPD for that conduct. Accordingly, in this case, the finding in Count II (that disqualification is required under good moral character grounds) mandates the same conclusion as to this prong of 13 AAC 85.100(b)(4).

The Executive Director also argues under Count III that disqualification is mandatory under 13 AAC 85.100(b)(4)'s second prong because Officer McQuoid was discharged for conduct "that is detrimental to the integrity of the police department where the police officer worked." Prior decisions have noted the inherent tension in the Council's regulations as to this issue – namely, the partial overlap between the discretionary grounds and the mandatory grounds for action where an officer's discharge has implicated "the integrity of the police department where the police officer worked."<sup>90</sup> The Council has previously declined to reach a mandatory revocation claim under this provision, given this tension in the regulations, strong evidence already supporting revocation on other grounds, and the policy rationale against limiting the Council's discretion in future cases.<sup>91</sup> Here, likewise, this decision has already found that that discretionary disqualification is warranted because Officer McQuoid was discharged for a reason detrimental to the reputation, integrity, or discipline of BPD – as well as finding that disqualification is mandatory on moral character grounds. It is therefore unnecessary to reach the issue raised as to this prong of Count III.

#### **IV. Conclusion**

The Executive Director has established that Officer McQuoid more likely than not committed actions that disqualify him from certification as a police officer. For the reasons set forth in detail above, and pursuant to 13 AAC 85.100(c), this decision finds Officer McQuoid to be ineligible for certification as a police officer.

DATED: November 15, 2023.



Cheryl Mandala  
Administrative Law Judge

---

<sup>90</sup> Compare 13 AAC 85.100(a)(2) (permitting denial of certification where applicant has been discharged for "inefficiency, incompetence, or some other reason ... that is detrimental to the reputation, integrity, or discipline" of the police department where the applicant worked) with 13 AAC 85.100(b)(4) (requiring denial of certification where applicant has been discharged for "conduct ... that is detrimental to the integrity" of the police department where the applicant worked).

<sup>91</sup> See, e.g., *In re Butler*, at 19 (internal citations omitted).



3. The ALASKA POLICE STANDARDS COUNCIL, in accordance with AS 44.64.060(e)(4), rejects, modifies or amends one or more factual findings as follows, based on the specific evidence in the record described below:

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of distribution of this decision.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

4. The ALASKA POLICE STANDARDS COUNCIL, in accordance with AS 44.64.060(e)(5), rejects, modifies or amends the interpretation or application of a statute or regulation in the decision as follows and for these reasons:

REJECT FOOTNOTE 80 AND ADOPT THE DECISION AS AMENDED.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of distribution of this decision.

DATED this 30 day of April, 2024.

By: [SIGNATURE REDACTED FOR PUBLICATION]

Rebecca Hamon  
Name  
APSC Chair  
Title