

ARIZONA GAME AND FISH DEPARTMENT
 5000 West Carefree Highway
 Phoenix, AZ 85086
 (602) 942-3000

I N C I D E N T R E P O R T

-Cover Page-

SUBJECT: HUSTED, JACK	DATE OF VIOLATION: 04/09/12	INCIDENT NO: 12-001171
INVESTIGATIVE PERIOD:		
NATURE: MISC TITLE 17	REPORTING OFFICE: Phoenix	REGION OCCURRED: Pinetop
INCIDENT: 5321-TAKE/HUNT ON CLOSED SEASON	REPORT MADE BY: DINQUEL K	APPROVED BY:
REFERENCES:		HRS/INVEST:

This Report Contains: <input type="checkbox"/> Subject Information <input type="checkbox"/> Vehicle Information <input type="checkbox"/> Violation Information <input type="checkbox"/> Misc Incident <input type="checkbox"/> Field Interview <input type="checkbox"/> Report of Violation <input type="checkbox"/> Special Licenses <input checked="" type="checkbox"/> Narrative <input type="checkbox"/> Supplement	Additional Forms: <input type="checkbox"/> Accident Reports <input type="checkbox"/> Addendum/Continuation <input type="checkbox"/> Booking Form <input checked="" type="checkbox"/> Citation(s) <input type="checkbox"/> DUI/OUI Forms <input type="checkbox"/> Juvenile Forms <input type="checkbox"/> Chain of Custody Forms <input type="checkbox"/> Witness Statements <input type="checkbox"/> Crime Lab Reports <input type="checkbox"/> Tow Sheet/Inventory <input type="checkbox"/> Inserts <input type="checkbox"/> Photographs <input type="checkbox"/> Maps <input type="checkbox"/> Other _____
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08/08/2012
10:47

Arizona Game and Fish Department
Main Names Table:

Name Number: 133539
Last: HUSTED Fst: JACK Mid:
Addr: 248 N BECKER LAKE RD Prev:
City: Springerville St: AZ Zip: 85938 &
Deceased: / / Alias For:
Personal Identification

Name Typ: INDIV SSN: - -
Local ID:
State ID:
FBI Number:

DL State: AZ Class: CLD
Home Tel: () -
Work Tel: () -

Physical Description

56 yrs Eyes: BRN Brown Cmplxn:
Race: W White/Non His Glasses: Speech:
Sex: M Male Hair: BRN Brown Teeth:
Height: 5'07" 170 cm Hstyle: Build:
Weight: 200lbs 91 kg Beard: Ethnic:
Traits SMT: & &
MO:
Alert Codes:
ACJIS/Ver:

=====

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
LW	12-001171	06/26/2012	MISC TITLE 17	SUBJECT
CT	A04951	06/24/2012	TAKE/HUNT IN CLOSED SEASON	*Defendant

Drivers License Type:

Driver License Class
Seq Class Description
1 CLD Class D Operator License

Incident Number: 12-001171

Nature: MISC TITLE 17 Case Number:
Addr 1.5 MILES W/O SPRINGERVILLE AI Unit/Loc: U001 WILDLIFE MANAGEMENT
City: Springerville St: AZ Zip: 85938 Contact:

+--Complainant: Request/Recvd callback? -----+
| Lst: Fst: Mid:
| DOB: SSN: Adr
| Rac: Sx: Tel: Cty: St: Zip:
+-----+

* Citations Issued: 5321 Reported: 5321 Observed:
Additional Forms: CITE
Assigned Officers: DINQUEL K
Offcr Home Region: REGION 7 Region Occurred: REG1 CAD Call ID:
Orig Info Rcvd By: DINQUEL K Last Radlog:
* How Received: * OGT Self Report Disposition: 013 Adult- Citation/Arre
When Reported: 11:39:49 06/26/2012 Date Entered: 06/26/2012
Occurred Between: 11:00:00 04/09/2012 Review Compl? YES Reviewed By LEPM/LES
and: 11:00:00 04/09/2012 Reward/OGT Line (P-####mddy):

MO:
Narrative:
Supplement: (See below)

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INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
NM	133539	/ /	HUSTED, JACK	SUBJECT
CT	A04951	06/24/2012	TAKE/HUNT IN CLOSED SEASON	SUBJECT

LAW Incident Offenses Detail:

Seq Code	Offense Codes	Amount
1	5321 TAKE/HUNT ON CLOSED SEASON	0.00

LAW Incident Circumstances:

Seq Code	Additional Forms	Comments
1	CITE Citation/Long Form	

LAW Incident Responders Detail

Seq	Name	Unit
1	DINQUEL K	56

Law Supplemental Narrative:

Supplemental Narratives

Seq Name Date Narrative

1 DINQUEL K 11:40:58 06/26/2012

SUMMARY: On April 17, 2012 Arizona Game and Fish Department (AGFD) Operation Game Thief Program Manager (Officer) Ken Dinquel was assigned by his chain of command to look into the circumstances of a self reported violation committed by Arizona Game and Fish Commissioner and Game and Fish Reserve Officer, Jack Husted. Through interview, a written statement, [REDACTED] provided by Husted, Officer K. Dinquel concluded that a juvenile acquaintance of Husted, [REDACTED] shot and killed a single Gunnison's prairie dog during a closed season while rabbit hunting on April 9, 2012, at the direction and tutelage of Husted. Husted was an adult licensed hunter at the time of this incident.

NARRATIVE: On April 17, 2012 AGFD Operation Game Thief Program Manager (Officer) Ken Dinquel was assigned by his chain of command to look into the circumstances of a self reported violation committed by Arizona Game and Fish Commissioner and Game and Fish Reserve Officer, Jack Husted. AGFD Law Enforcement Branch Chief, Gene Elms, relayed to Officer K. Dinquel that Husted had recently taken a juvenile acquaintance rabbit hunting in the Springerville area. During the hunt, the pair encountered a prairie dog town and the juvenile had allegedly shot and killed a prairie dog at the direction of Husted. Later, while reviewing the hunting regulations before a public Commission Meeting, Husted discovered that the hunting season for prairie dogs was closed at the time the juvenile had killed the prairie dog. Husted immediately contacted AGFD Director, Larry Voyles, and reported the incident to him. Director Voyles relayed to Husted that the matter would be turned over to the AGFD Law Enforcement Branch for follow-up.

On April 24, 2012 Officer K. Dinquel met with AGFD Assistant Director, Leonard Ordway, and discussed the incident further. Assistant Director Ordway gave Officer K. Dinquel additional details about the prairie dog hunting incident that were relayed by Husted. Assistant Director Ordway relayed that Husted was hunting with a 13 year old male and that the youth did not have a hunting license (NOTE: A hunting license is not required for juveniles under the age of 14 to take small game (rabbits), predators, furbearers, and other birds and mammals including Gunnison's prairie dogs, provided that the youth is accompanied by a properly licensed person 18 years of age or older). Assistant Director Ordway added that the hunt took place in the Springerville area (Hunt Unit 1, Apache County) and that the youth killed one Gunnison's prairie dog. [REDACTED]. Assistant Director Ordway also said that Husted did not wish to give the name of the youth who killed the prairie dog and wished to take full responsibility for the oversight on the day of the hunt. Assistant Director Ordway told Officer K. Dinquel that Husted was advised that (Officer K. Dinquel) was assigned to look into the incident.

On April 30, 2012 Officer K. Dinquel had the opportunity to meet with Husted at the Phoenix AGFD headquarters. Officer K. Dinquel advised Husted that he had been assigned to look into the circumstances surrounding the rabbit hunt and the take of the prairie dog. Husted said that he understood and said that he would be fully cooperative with the investigation.

Officer K. Dinquel asked Husted to recount the circumstances of the hunt. Husted said that the youth was the son of a friend of his wife's. Husted said that the youth was autistic and was from California. As such, the youth had very little opportunity to be in the outdoor setting. The family had been visiting Husted

and his wife, who reside in Springerville, and Husted wanted to take the opportunity to take the youth hunting and fishing in the area and generally introduce him to the outdoors.

Husted said that the pair was targeting rabbits as they were hunting on the outskirts of Springerville (Hunt Unit 1, Apache County) when they happened upon a prairie dog town west of the Springerville airport. Husted assisted the youth in targeting a prairie dog with a rifle he provided and the youth took several shots, eventually killing one Gunnison's prairie dog. Husted said that it was the youth's first kill and that the youth was very excited about the hunt.

[REDACTED]

Officer K. Dinquel asked Husted what the exact date of the hunt was. Husted said that he couldn't remember the exact date, but that he had the date listed on a calendar that he did not have with him. He said he could provide the exact date once he looked at the calendar. Husted said that it was somewhere around the second weekend in April. Husted told Officer K. Dinquel that he was unaware that the prairie dog season had closed during the time of his hunt and that he was a bit embarrassed because he was a sitting Commissioner and a Game and Fish Reserve Officer, and he should have been aware of the season date hunt structure for prairie dogs (NOTE: Gunnison's prairie dog season is open from July 1, 2011 to March 31, 2012 and June 16 to June 30, 2012; the hunt is closed April 1, 2012 to June 15, 2012 due to the females having pups).

Officer K. Dinquel asked Husted for the identity of the youth, as the Officer wished to talk to the individual. Husted reiterated that he did not want to reveal the youth's identity as he felt the error was completely his own fault because he directed the youth's actions. Husted added that the youth's mother probably would not allow the Officer to speak to the youth if asked. Officer K. Dinquel asked Husted if the youth's mother was aware of the error on the hunt. Husted said that he had not discussed the circumstances of the error with the youth or the youth's mother.

Officer K. Dinquel told Husted that in order for the Officer to conduct a thorough investigation, he needed to interview all of the parties and witnesses involved. Officer K. Dinquel indicated that he understood that it would be up to the youth's parents to decide if the Officer could speak to the youth, but that it was the Officer's decision to make if he wished to interview the youth. Husted maintained that he felt he was solely responsible for the youth's actions and that he was prepared to take full responsibility for the circumstances. Officer K. Dinquel told Husted that he understood, but that he would have to document that decision. Husted indicated that he understood, but indicated that he would like to protect the youth because he was of diminished mental capacity.

Officer K. Dinquel asked Husted if he would be willing to provide a written statement as to the circumstances of the hunt [REDACTED]

[REDACTED] Husted maintained that he would be fully cooperative with the investigation and that he would prepare a written statement [REDACTED] within the next week or so. Husted said that the statement wouldn't be more than a paragraph, or so. Officer K. Dinquel indicated that the statement needed to include detail about who, what, where, when, and why so that the Officer could get a full mental picture of the hunt by the written description. Husted said he understood.

On May 7, 2012 Officer K. Dinquel received an email from Husted that included a paragraph outlining the hunt, plus he identified the youth as a 13 year old boy

named [REDACTED] from California [REDACTED]

The statement is included verbatim below:

"On April 9, about 11:00 AM, I Jack F. Husted, 248 N. Becker Lake Rd. Springerville Az. 85938, took [REDACTED] a 13 year old autistic boy from California hunting. Drake is the son of my wife Karen's childhood friend, who was visiting us for several days to learn about life outside the big city. Over those days [REDACTED] learned to drive a backhoe and other vehicles, fed and watered cows, went fishing (no fish caught), wore boots and long pants for the first time, and was taught and learned well, firearm safety. The culmination of our time together was going hunting. Our intent was to shoot a rabbit, skin and cook it. We had been having discussions about game management as well as sportsman's ethics and he was a good student. We set out in search of game. We found no easy rabbits, none were seen outside the city limits or Becker Lake wildlife area. Our hunt found us 1.5 miles west of the Springerville airport. While riding in the UHV side by side we spotted a prairie dog village I had not been aware of. We had a talk about the fact that we didn't eat them and making sure the village was large enough to sustain a loss and he wanted to try and take one. We set up on a fence cross brace as a good rest and with me spotting, [REDACTED] shot 5 or 6 missing and was very calm and collected. Shooting towards the north at about 140 yards, Drake killed one. We went and found the kill [REDACTED]. The prairie dog was returned to nature. We left that area continuing our search for rabbits with no success.
(signed) Jack Husted"

On May 24, 2012 Officer K. Dinquel ran a query on the AGFD Sportsman's Database for Husted (INSERT No. 3). Officer K. Dinquel learned that Husted had been issued a 2012 Arizona Resident combination hunt/fish license, No. HK000003 on January 1, 2012.

Officer K. Dinquel met with his chain of command, including the Director's Office, later that day to discuss the case. After reviewing the case, reading Husted's written statement [REDACTED] the group agreed that it wouldn't be necessary to interview [REDACTED] about the incident. The group concluded that Husted was, by his own admission, conducting the day's activities when the prairie dog was killed [REDACTED]. Further, the group concluded that even if [REDACTED] was interviewed he may not be able to provide accurate details about the incident due to his autistic condition.

Upon further discussion about the incident, the group agreed that there was a violation and that the minor child unlawfully took the prairie dog at the direction of the licensed adult who was conducting the hunt activities of the day. The specific violation being ARS Title 17-309A.11, Take One Gunnison's Prairie Dog During A Closed Season, a Class 2 Misdemeanor as provided for under ARS 17-309B, and a Civil Liability for the loss of one prairie dog of \$250 as provided for under ARS 17-314A.4. The group also agreed that since [REDACTED] was a juvenile and had never hunted before, he was relying on the tutelage directed by Husted, an adult licensed hunter.

On June 24, 2012 Officer K. Dinquel had occasion to meet Husted in the Springerville area. At that time Officer K. Dinquel issued Husted AGFD Citation No. A04951 for one count of ARS Title 17-309A.11, Take One Gunnison's Prairie Dog During A Closed Season. Husted signed the citation and agreed to contact the court by the date provided.

REPORTING OFFICER: Ken Dinkel, #224

INVESTIGATIVE PERIOD: April 17, 2012 to May 24, 2012

HOURS SPENT: Six

APPROVED BY: Officer K. Dinkel

DATA ENTERED BY/DATE: June 26, 2012

Traffic Citation Number: A04951 Type: GV GAME VIOLATION

+ - Defendant: 133539

Lst: HUSTED	Fst: JACK	Mid:
DOB: [REDACTED] SSN: - -	Adr& 248 N BECKER LAKE RD	
Rac: W Sx: M Male () -	Cty: Springerville	St: AZ Zip: 85938
DLN: [REDACTED]	DLS: AZ	

Violation Date: 11:00:00 04/09/2012	Court Date: 09:30:00 07/31/2012
When Issued: 00:00:00 06/24/2012	Court: 0101 Round Valley Justice
Issuing Officer: DINQUEL K	Bond Type:
Home Region: REG7	Bond Amount: 0.00

Reported/Observed:

Location: Address& 1.5 MILES W/O SPRINGERVILLE AIRPORT	Unit/Loc: U001
City: Springerville St: AZ Zip: 85938	

Vehicle: No:	Plate:	St:	Type:
Speed - Actual: 0	Posted: 0	Safe: 0	

Comments:

Offenses:	Offense Code	Disposition
	5321 TAKE/HUNT IN CLOSED SEASON	60

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
LW	12-001171	06/26/2012	MISC TITLE 17	SUBJECT
NM	133539	/ /	HUSTED, JACK	*Defendant



ARIZONA GAME AND FISH DEPARTMENT

Arizona Traffic Ticket and Complaint

COMPLAINT # A04951		SSN	MILITARY	<input type="checkbox"/> ACCIDENT	<input type="checkbox"/> FATALITY	GPS LOCATION OF VIOLATION N W	INCIDENT # 12-001171
DRIVER'S LICENSE NUMBER		STATE AZ	CLASS D	ENDORSEMENTS M H N P T X D		G&F LICENSE 2012 HK000003	
DEFENDANT		FIRST JACK	MIDDLE F.	LAST AUSTED			
RESIDENTIAL ADDRESS		CITY 248 N. BECKER LAKE RD.	STATE AZ	ZIP 85938			
SEX M	WEIGHT 200	HEIGHT 5-07	EYES BRN	HAIR BRN	ORIGIN W	DATE OF BIRTH	RESTRICTION
BUSINESS ADDRESS		CITY	STATE	ZIP	PHONE: HOME	CELL	
VEHICLE		COLOR	YEAR	MAKE	MODEL	STYLE	LICENSE PLATE: STATE EXPIRATION
REGISTERED OWNER		ADDRESS			VEHICLE IDENTIFICATION NUMBER		

THE UNDERSIGNED CERTIFIES THAT:

ON	MONTH 4	DAY 9	YEAR 12	TIME 11:00	<input checked="" type="checkbox"/> AM <input checked="" type="checkbox"/> PM	SPEED	APPROX.	POSTED	R & P	SPEED MEASUREMENT DEVICE	DIRECTION OF TRAVEL	
AT	LOCATION 1.5 MILES WEST OF THE SPRINGERVILLE AIRPORT						COUNTY, STATE OF ARIZONA APACHE	UNIT/LOC 1	REGION 1			

THE DEFENDANT COMMITTED THE FOLLOWING:

SECTION	ARS CR	VIOLATION <input type="checkbox"/> DOMESTIC VIOLENCE CASE	VIOLATION			SANCTION		
			R	O				
A		17-309A.11	<input checked="" type="checkbox"/> ARS	TAKE ONE GUNNISON'S PRARIE DOG DURING A CLOSED SEASON				<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> WRITTEN WARNING <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE
DOCKET NUMBER		DISPOSITION CODES		DATE OF DISPOSITION		SANCTION		
B								<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> WRITTEN WARNING <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE
DOCKET NUMBER		DISPOSITION CODES		DATE OF DISPOSITION		SANCTION		
C								<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> WRITTEN WARNING <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE
DOCKET NUMBER		DISPOSITION CODES		DATE OF DISPOSITION		SANCTION		
D								<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> WRITTEN WARNING <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE
DOCKET NUMBER		DISPOSITION CODES		DATE OF DISPOSITION		SANCTION		
E								<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> WRITTEN WARNING <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE
DOCKET NUMBER		DISPOSITION CODES		DATE OF DISPOSITION		SANCTION		

YOU MUST APPEAR AT	COURT ROAD VALLEY JUSTICE	PHONE 928-333-4613	COURT NUMBER 0101
	AT (ADDRESS) 130 N. SOUTH MTN / PO BOX 1356		
	(CITY OR TOWN) SPRINGERVILLE	ARIZONA ZIP 85938	

APPEAR AT THE DATE AND TIME INDICATED	MONTH JULY	DAY 31	YEAR 2012	TIME 9:30	<input checked="" type="checkbox"/> AM <input checked="" type="checkbox"/> PM
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CRIMINAL: Without admitting guilt, I promise to appear as directed hereon.
 CIVIL: Without admitting responsibility, I acknowledge receipt of this complaint.

VICTIM? VICTIM NOTIFIED?

I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of this complaint upon the defendant.
224 **6-24-12**

RIGHT THUMB PRINT	AGENCY USE
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COMPLAINANT DINQUEL	OFFICER # 7	DATE 7
PRINTED OFFICER'S NAME		HOME REGION
TEN FINGER FINGERPRINT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		