



Bonney Lake Police Department

Dana Powers, Chief of Police

May 17, 2012

Officer Terry Carter
18421 Veterans Memorial Drive E.
Bonney Lake, WA 98391

RE: Letter of Reprimand

Officer Terry Carter,

I am in receipt of an internal complaint filed against you outlining Bonney Lake Police Department policies that you violated.

1.2.2 Obedience to Orders (Sta: 6.4) Members of the Department will obey any lawful order from any superior including any order relayed from a superior by an employee of the same or lesser rank officer and will refrain from public criticism of any order or instruction they receive.

4.15.3 Performance of Basic Duties in a Competent Manner (Sta:16.1) Members will perform their assigned duties in a competent manner. Incompetence may be demonstrated by (a) a lack of knowledge of the laws to be enforced or knowledge of basic duties of the position; (b) an unwillingness to perform assigned tasks; (c) the failure to conform to work standards and behavior established for the member's rank or position; (d) the failure to take appropriate action on the occasion of a crime, instance of disorder, other incident; or as directed verbally or in procedure; (e) repeated work evaluations showing substandard performance. Incompetent work performance will be grounds for disciplinary action. (RCW 41.14.120)

4.15.5 Attention to Duty (Sta:16.1) As most police work is necessarily performed without close supervision, the responsibility for the proper performance of an officer's duty lies primarily with the officer. An officer carries a responsibility for the safety of the community and fellow officers. The officer discharges that responsibility by the faithful and diligent performance of their assigned duties. Anything less violates the trust of the public and nothing less qualifies as professional conduct.

4.16.8 Unbecoming Conduct Members shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include that which brings the Department into disrepute reflects discredit upon the member, or that which impairs the operation or efficiency of the Department or member.

4.16.9 Neglect of Duty While on duty members will remain attentive to their assigned responsibilities. They will not mangle or shirk their duties.

I am aware that on May 9, 2012 you met with Lieutenant Alfano, Sergeant Maras as well as Guild Vice President, Sean Scott.

While reviewing the internal complaint it is clear to me that your actions reflect violating the above listed policies. Furthermore I am concerned about emailed comments you made to A/Sgt. Byerley during another report that was returned to you for corrections (BL12000388) back in February. There is a pattern that appears to be developing that



Bonney Lake Police Department

Dana Powers, Chief of Police

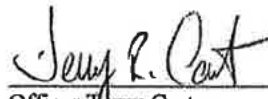
does not fit in with our established and distributed Core Values of the Bonney Lake Police Department. Whether you personally agree or disagree with what your superiors tell you to do you have every obligation to follow through to the best of your ability without public criticism. Every report you take in today's day an age may be the missing link to a serial killer being caught, to finding a burglar, to finding a missing bicycle for a ten year old. However minimal you believe some calls are they have potential to make a difference. Regardless we have an obligation to the citizens of Bonney Lake to provide a service to the best of our ability every day we come to work. It should be done with pride and honor regardless of the call. It is my intention to give you the support you need to become the leader of this department that you can be.

Based on the facts in the internal complaint as well as your initial cavalier attitude towards your supervisors during the interview May 9, 2012, you are issued this letter of reprimand which will stay in your file for a period of one (1) year. Furthermore you are being removed from all of your auxiliary duties as well as your off duty employment at the Port of Tacoma for a period of one year after which you may re-apply for auxiliary duties. It is my intention to fill the Metro SWAT negotiator's position temporarily. If after the period of one (1) year concludes and there is not further violations of the above policies and procedures as well as the removal of this letter of reprimand you will be cleared to return to the Metro SWAT negotiator's position if you so desire.

In the event that you violate any of the above listed policies and procedures you may be subject to further discipline, up to and including termination.



Dana Powers, Chief of Police 105-17-12
Date



Officer Terry Carter 1 5/17/12
Date
Receipt Acknowledgement

Co: Neil Johnson, Mayor
Don Morrison, City Administrator
Kurt Alfano, Lieutenant
Sean Scott, Guild Vice President
Jenna Richardson, HR
File



Bonney Lake Police Department

Memorandum

Date: May 14, 2012

To: Lieutenant Kurt Alfano

From: Sergeant Kelly Maras

Re: Internal complaint

cc: Chief Dana Powers

Lieutenant Alfano,

On May 3, 2012, I rejected case # BL12000974 written by Officer Carter. The reason for the rejection was minor and I requested that Officer Carter add the reporting party's (RP) DOB, SSN, DOL #, etc... I e-mailed Officer Carter and advised him what I would like him to add to the report, explained that it is his responsibility to get the RP's information and add it to all reports, when possible. A copy of this e-mail is attached with this memo.

On May 8, 2012, I received an e-mail from Acting Sergeant Byerley advising me that Officer Carter had resubmitted this case. I also spoke to Acting Sergeant Byerley about this resubmitted report. Acting Sergeant Byerley advised me that Officer Carter had changed the narrative of the report to include that I ordered him to make changes before the report would be allowed to be submitted and then wrote a paragraph documenting what steps he took to get the RP's information. Acting Sergeant Byerley advised me that he felt Officer Carter was being disrespectful, towards me. A copy of this report is attached with this memo.

I learned that Acting Sergeant Byerley had rejected a report written by Officer Carter, case # BL12000388, for not including the DOB and DOL # of an individual in the case. Officer Carter responded to Acting Sergeant Byerley, via e-mail, that he did not get the individual's information when he spoke to him and now, due to there being no PIC # attached to a plate within the case, he could not get the information. Acting Sergeant Byerley then advised Officer Carter that there was, in fact, a PIC # attached to the plate. Officer Carter responded that he "thought" there was no PIC # "for some reason" and

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apologized. Officer Carter then added the information that Acting Sergeant Byerley had requested. Officer Carter did not change the narrative of the report to include the fact that he was asked to add information that was missing from his initial report. I also briefly spoke to Officer Carter and advised him that documenting in an e-mail that there was "no PIC", when Acting Sergeant Byerley was able to locate a PIC, could be construed as a documented lie. Officer Carter disagreed with me and rolled his eyes. I did not address this issue any further at this time. A copy of these e-mails and this case report are attached to this memo.

On May 9, 2012, Lieutenant Alfano and I asked Officer Carter to meet with us in the Chief's conference room. Also present was BLPD Guild Vice President, Officer Sean Scott.

I began the meeting by explaining to Officer Carter that the reason he was meeting with us was in regards to the narrative he changed on case # BL12000974. Officer Carter advised that he knew which case I was referring to.

I asked Officer Carter a series of questions regarding case # BL12000388. I asked Officer Carter if he changed the narrative in this case while making the changes requested by Acting Sergeant Byerley. Officer Carter advised that he did not make changes to the narrative.

I reminded Officer Carter of case #BL12000974, how it was rejected and how he changed the narrative prior to it being resubmitted. Officer Carter stated he remembered the events of this case and its resubmission.

I asked Officer Carter if he knew current BLPD procedure is for Officers to include information on persons included in reports, to include; DOB, DOL #, SSN, physicals, DOC #, FBI #, etc... when possible. Officer Carter said he knew this procedure.

I asked Officer Carter why he felt the need to change the narrative in case # BL12000974. Officer Carter stated that he was just documenting what he did.

I asked Officer Carter why he did not change the narrative in case # BL12000388. Officer Carter stated he did not know.

I asked Officer Carter if he had ever changed a narrative of a report when a report was rejected for a data entry issue. Officer Carter said he did not believe he had ever changed the narrative. I asked him if he would typically just add the information requested by the Sergeant and then resubmit. Officer Carter responded that is what normally happens.

I explained to Officer Carter that his changing the narrative was conduct unbecoming and disrespectful towards me and asked him why he did it. Officer Carter stated that he felt that my request to add the information was "ridiculous". I advised Officer Carter that whether he felt it was ridiculous or not, it was a lawful order that needed to be completed

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and that it should have been done without showing disrespect. Officer Carter stated something to the effect of, "well, I did it, so write me up".

Lieutenant Alfano and I then tried to explain to Officer Carter the level of disrespect he showed in this incident, but Officer Carter seemed to not care, understand and/or comprehend. We explained to him that disrespecting a Sergeant in an official Police report would not be tolerated. Officer Carter acknowledged that he should not have changed the narrative and simply added the RP's information as requested. Officer Carter went on to say that he was still upset about being removed from the FTO program and that his personal feelings towards me played a part in his actions. Officer Carter made no apology to me or the Department for his actions.

I then reminded Officer Carter that when Sergeant Keller and I met with him regarding his removal as an active FTO, that we explained to him that we wanted him to be a leader in the department. I reminded him that we asked him to take a more involved role with junior Officers and act as a mentor. We asked him to help stop the rumor mill and work to change morale for the better. We advised Officer Carter that if he worked hard, showed leadership and became a positive influence; he could/would be an active FTO again. Officer Carter, at this time, stated he understood what we were saying and would work to become a leader in the department. Officer Carter left this meeting saying he had no issues with Sergeant Keller or me. Since this time I have not observed Officer Carter acting as a leader within the department.

I then advised Officer Carter of the policies I felt he had violated regarding case #BL12000974. I provided him with a copy of the following policies.

1.2.2 Obedience to Orders (Sta: 6.4)

Members of the Department will obey any lawful order from any superior including any order relayed from a superior by an employee of the same or lesser rank officer and will refrain from public criticism of any order or instruction they receive.

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4.16.8 Unbecoming Conduct

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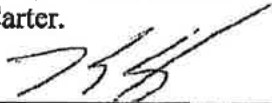
While on duty members will remain attentive to their assigned responsibilities. They will not mangle or shirk their duties.

I advised Officer Carter that the Chief and/or Lieutenant may find more violations.

I advised Officer Carter that I would be referring this issue up the chain of command for disciplinary action, up to and including day(s) off. I asked Officer Carter if he had any questions or comments regarding this and he said no. Officer Carter was advised to return the narrative portion of this case to its initial content. The meeting was ended at this time.

Officer Carter failed to accurately complete a simple police report. When asked by a Sergeant to add information available to him and in line with current BLPD procedure, Officer Carter felt it was "ridiculous". Officer Carter chose to vent his frustration on me and the department in a written Police report. This incident is in direct contrast to what Sergeant Keller and I had discussed with Officer Carter previously and was done as a deliberate attempt to undermine my authority as a Sergeant. It is a poor reflection on Officer Carter's attitude towards the department.

I respectfully submit this memo for your consideration of disciplinary action on Officer Carter.



Sergeant Kelly Maras

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Dana Powers, Chief of Police

Sergeant James Keller's supervisor notes for Officer Carter

BONNEY LAKE POLICE DEPARTMENT

Our Core Value is Truth-VERITAS... Vigilance, Excellence, Respect, Integrity, Teamwork, Accountability, Service

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On the Sunday (December 18, 2011) I worked overtime on dayshift patrol, I was working with Carter and Bourbon. As a supervisor, I noticed that they did nothing for over two and a half hours. I later saw Bourbon at the station. He was working on a report. I asked Officer Bourbon what they were doing for that period of time and he explained that they had attended a BBQ at a friend of Carters and watch the Seahawks. I asked Bourbon how long they were there. Bourbon said about an hour and a half. Bourbon said he felt weird about it and refused to sit down, thinking they would leave after a few minutes, but they never did. Bourbon stated that they were at a Troopers house named Pratt. He lives outside the City. Bourbon said that every time he heard me respond to a call he felt that they should have been responding. He said he felt weird about it and back home he would have never done this. Bourbon said he didn't want to be a rat. I explained that he was a new recruit and he had to answer the Sergeant when asked a question. I told Officer Bourbon that I would speak to FTO Carter later about this. Officer Bourbon told me that Officer Green was at the BBQ off duty and another off duty Tacoma Officer was there as well. Bourbon said he felt it was way to long to be watching football.

I contacted Officer Carter a few days later about this just after an FTO Meeting. SGT Maras had a family emergency and was unable to attend an FTO Meeting so I did so, for SGT Maras. After the meeting I contacted Carter alone. I told him that I knew about them watching football at a friend's home, and I did not think it was a good thing to do with a recruit. I did tell Officer Carter that if he called me and wanted to go watch football during his lunch time, that normally I would have no issue with it. However, I told him that he should not have done that with Bourbon as a recruit and he did not set a good example for Officer Bourbon. I also told Carter that I was going to tell SGT Maras about this. I told Carter that we would discuss this with SGT Maras at a later time. I explained that if I were the FTO Sergeant I would expect SGT Maras to share this information with me.

SGT Maras and I contacted Officer T. Carter January 3, 2012 at about 1500 hours. We wanted to discuss Terry's month of FTO with Officer Bourbon. Bourbons stats were low and it appeared that they did not do much for the month other than write some case reports. Bourbon appeared to have only written 2 infractions and no collision reports. He only wrote a few case reports after working 15 patrol shifts. I told Officer Carter that he did a really poor job as an FTO and it was obvious that he did not set any benchmarks (meaning standards) for the month.

SGT Maras and I talked to Carter about him saying "Im not on the A list so Im not going anywhere" in front of his recruit at a shift briefing. Carter said he does not remember saying that. We also talked to Carter about being a leader and standing up for the SGTs and when negative things are being said about the department and staff. Carter said, "I'm not that type of person, I don't like to confront people". Carter said he does not speak badly about the department or the SGTs. Carter was told to lead by example and to do what is right. SGT Maras requested that the next time he hears department members speaking poorly about the Chief or the Sergeants, he should at least walk away if he does not want to confront them. He said he would.

I brought up the fact that he did go to a friend's home to watch football with Officer Bourbon for two hours, and it was not a good thing. Officer Carter said it was only for about an hour and a half. Officer Carter was upset that I had brought this up. He confronted me by saying he was surprised that I keep bringing this up. I told Carter

that I made it clear to him that SGT Maras would be informed about the football watching while on duty. I then told Carter that in 13 Years of Law Enforcement on the street, I have never just gone and watched football for an hour and a half without telling my partner or Sergeant and if I ever did attend a BBQ or Football game it was for less than 30 minutes. Carter said, "I have never left the City while on duty, this is the first time". I explained to Carter that I knew about him going home almost every night to tuck his kids in and have dinner when he lived outside of the City. I told him that I was not concerned with that because he did not have a recruit and it was only for a short time. Carter did not say anything. He just stared at me looking puzzled. I explained to Officer Carter that he should not be out of the City anyways because his partners may need his back up. Carter said that he was ready to respond and that he was just outside of the City. I responded by saying that he was a ways out of the City near Officer Kreider's home [REDACTED] and that it was too far out of the City. I said he should not get in the habit of going that far out. Carter responded by saying that it was not very far out and he could have gotten anywhere in the City in little time. I said that I disagreed with him and I though he was wrong. I also told him that I believed that he didn't call me to tell me about the football game because I would have said "No" because he had a recruit. Officer Carter did not respond. SGT Maras told Officer Carter that it was the wrong thing to do with a recruit and that he needed to stay in the City. SGT Maras told Carter that this does not set a good example for recruits and he should have been writing infractions or training. SGT Maras and I explained to Officer Carter that being an FTO carries a lot of responsibility and that he should lead by example.

Carter was told that he did not set a good example for the new Officer and also for the other Officers while in the office. We encouraged him to lead by example and use his years of experience to demonstrate leadership. Carter was defensive at first, but then said he wanted another chance to prove that he could be a good FTO. At one point Carter became upset with me saying that I had never had an issue with his FTO performance in the past and that it was "interesting" that I would bring this up. I explained that I had told him when we meet with SGT Maras, his FTO performance will be discussed and it was crystal clear.

During the same conversation I recall SGT Maras explaining the duties of the FTOs and what he expects. Maras explained that he had already explained his expectations to Officer Carter in a prior meeting. I listened as SGT Maras explained why it is so important to document each event or call throughout the day. SGT Maras went into detail about how he had a meeting with Officer Carter, Larsen, Kiblinger and Scott about his expectations as a BLPD FTO. Carter acknowledged that he was at that meeting and he understood what he needed to do. Carter told SGT Maras that the first two weeks with Officer Bourbon were spent doing I.T. things because Bourbons computer did not work right. He also said that they were at Systems in Lakewood fixing Bourbons car. SGT Maras asked if that was documented in Bourbons D.O.R. but Carter said he did not think it was. Officer Carter said he had been very busy just getting Bourbons equipment together but when SGT Maras asked him about his lack of productivity, Carter said it had been "Dead in the City" lately.

The meeting ended on a good note. Officer Carter said he would work hard and not take part in any disrespectful conversations towards the Chief or other department members. SGT Maras specifically asked Officer Carter if he had any questions about this meeting. Officer Carter said he did not and that everything was cool. This ended our meeting with Officer Carter.