



Bonney Lake Police Department

Dana Powers, Chief of Police

Sergeant James Keller's supervisor notes for Officer Carter

BONNEY LAKE POLICE DEPARTMENT

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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.



Bonney Lake Police Department

Internal Investigation IA#12-001

I. Investigative Summary

Acting under the color of office and at the direction of the Bonney Lake Police Department (BLPD) and based on the facts and the logical persuasiveness of the evidence presented in this case, I am lead to believe that the principle Officer Terry Carter did commit or omit acts contrary to the mission, goals, objectives and other pertinent directives and practices of this department.

II. The Principles

a. Officer Terry Carter

III. Introduction

This investigation was initiated at the order of Chief Dana Powers and stems from a verbal complaint by Sergeant James Keller on May 11, 2012.

IV. Nature of the Allegation

- a. Bonney Lake Police Department policy and procedure (BLPD P&P) chapter 1.7; Code of ethics.
- b. BLPD P&P chapter 4.1.11; Meal Periods & Breaks
- c. BLPD P&P chapter 4.15.5; Attention to Duty
- d. BLPD P&P chapter 4.16.8; Unbecoming Conduct
- e. BLPD P&P chapter 4.16.9; Neglect of Duty
- f. BLPD P&P chapter 4.16.11; Prompt response to Calls
- g. BLPD P&P chapter 5.2.2; Response to Calls for Service

V. History of the Investigation

On May 11, 2012, I was contacted via cell phone by Sergeant James Keller. Sergeant Keller wanted to discuss with me a call that occurred on May 10, 2012. The call, Bonney Lake Police Report number BL12001029 and CAD sequence #121310277 are attached with this investigation.

Sergeant Keller advised me that he was working as the night shift sergeant on May 10, 2012. Sergeant Keller told me that he had just checked in service when the above call was being dispatched. Sergeant Keller told me that Acting Sergeant Brian Byerley and Officer Terry Carter were dispatched to an intentional overdose where a female subject had attempted suicide. Sergeant Keller stated that he heard both Acting Sergeant Byerley and Officer Carter acknowledge dispatch that they had received the call. Sergeant Keller stated that he then heard Officer Bourbon call on the radio to cancel Officer Carter from responding to the call and that he would back Acting Sergeant Byerley once he cleared his traffic stop.

Sergeant Keller stated that later in the evening he was speaking with Officer Bourbon and asked him why he went to the overdose/suicide call when he was on

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a traffic stop where he was conducting a criminal citation arrest of the driver. Officer Bourbon advised Sergeant Keller that he had received a call from Officer Carter who had asked Officer Bourbon to handle the call with Acting Sergeant Byerley as Officer Carter had just sat down to dinner with his family. Officer Bourbon told Sergeant Keller that he received the call from Officer Carter a couple of minutes after the overdose/suicide was dispatched.

Sergeant Keller was concerned that Officer Carter had shirked his duties to respond to the priority call and chose to eat lunch instead. In turn, leaving Acting Sergeant Byerley to have a delay in the response time of his back-up officer. I advised Sergeant Keller that I would be back at work on Monday, May 14, 2012, and I would look into the matter further.

On May 14, 2012, I directed Sergeant Kelly Maras to locate and print the CAD Sequence #121310277. I noted that both Acting Sergeant Byerley and Officer Carter were dispatched to the call at 2041 hours. I then noted that at 2044 hours dispatch had changed Officer Carter's CAD status too temporarily out of service, meaning at lunch or unavailable to respond. The CAD did not specify what Officer Carter said. The CAD then shows that at 2045 hours Officer Bourbon stated that he would be in route to the call in place of Officer Carter. It should be noted that the CAD also shows that the female victim was a wife of a Kent Police Officer and that there was a suicide note along with four empty pill bottles next to the victim. This information was available to Officer Carter once he was dispatched to the call.

I wanted to insure that the times on the CAD were consistent with the radio transmissions so I requested a copy from Mark Creley, Assistant Manager of City Communications for the City of Puyallup. The radio transmissions for the call are included in this investigation. A summarization of the radio transmissions are as follows:

At 2042 hours, Acting Sergeant Byerley and Officer Carter were dispatched to the call.

At 2043 hours, Officer Bourbon calls to cancel Officer Carter and that he would be responding in Officer Carter's place once he cleared his traffic stop.

At 2043 hours, Officer Carter calls out that he is 7A portable. 10-7A is an old radio code for lunch.

The remaining radio transmissions with regards to the call are with the audio recording; however they are not pertinent to this investigation.

After listening to the radio transmissions it was clear that Officer Carter used other means to get a hold of Officer Bourbon. Officer Carter never called out on the radio notifying Acting Sergeant Byerley that he was not responding to the call. It was also clear that Officer Carter did not know Officer Bourbon's location as he was on a traffic stop on the north end of the city and Officer Carter told Officer Bourbon he was sitting down with his family to eat. It should be noted that Officer Carter's residence was closer to the suicide call then was

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Officer Bourbon's traffic stop. At this point I felt it necessary to speak with Officer Carter about the call and why he did not respond.

On May 14, 2012, at approximately 1500 hours, Sergeant Keller, Guild President Robert Kocher, Vice President Sean Scott and I met with Officer Carter in the Chief's Conference Room of the Bonney Lake Police Department. Sergeant Keller and I both took notes from the meeting which were copied and given to President Kocher. The following is a summarization of that meeting.

I explained to Officer Carter if he knew why we were meeting with him and he stated that he understood as he spoke with Guild President Kocher prior. I explained to Officer Carter that he needed to be completely cooperative and honest with me and that if he was doing something he was not supposed to be doing to tell me and we would work through the situation together. Officer Carter acknowledged that he would be honest with me.

I asked Officer Carter why he did not respond to the suicide call he was dispatched to? Officer Carter explained that he was eating lunch and had just sat down at the Quizno's Sub Shop in Bonney Lake with Officer David Thaves. Officer Carter explained to me that he and Officer Thaves were very busy prior in the shift and he had not had a chance to eat. Officer Carter also stated that he was upset that dispatch gave the call to him instead of one of the graveyard shift officers as they were just beginning their shifts. I asked Officer Carter if he was still upset about the meeting he had with Sergeant Maras and I the previous day (May 9, 2012)? Officer Carter stated he was still upset about that meeting.

It should be noted that Officer Carter was questioned and disciplined for comments written in a police report. I asked Officer Carter if he remembered that during the meeting on May 9th I had asked him if he was upset to the point that would not be conducive to working his scheduled shift(s) and if that was the case he would have to advise me and I would work with him to see that he gets the assistance needed? Officer Carter stated he remembered that I offered my assistance and declined telling me he was okay to work.

I asked Officer Carter that with the events of the previous day and the fact that he had had a busy shift were the reasons he chose not to respond to the call and sit at Quizno's and eat? He said, "Basically, yes." Officer Carter stated that Officer Thaves suggested that he call the junior officer, Officer Bourbon to see if he could take the call for him.

I explained to Officer Carter the severity of his actions by choosing to eat rather than backing his fellow officer's on a priority call. I explained that a victim was possibly dying on the scene of the call and that medics were responding; however it was their protocol to stage until police arrived on scene. It is also Bonney Lake Police Department's protocol to respond to suicide situations with two units. I explained to him that by choosing to call Officer Bourbon he delayed the victim receiving time sensitive medical attention. I explained to Officer Carter that I am even more concerned about his actions due to the fact his initial phone call to Officer Bourbon placed him at his residence eating with his family not at a local establishment eating with a co-worker approximately 3 blocks from the scene of

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the suicide call. To exacerbate the situation, Officer Bourbon was on a criminal arrest traffic stop in the 6600 block of the West Tapps Hwy, at least three miles away.

At this point Guild President Kocher asked to take a break so that he could speak with Officer Carter. Officer Carter and both Guild Representatives left the room. As Officer Carter and his Guild representatives were out of the room, I contacted Chief Powers to discuss what was disclosed. Chief Powers stated that an internal investigation was necessary as other officers were involved and would have to be interviewed. I then spoke with Officer Bourbon by phone to confirm what Officer Carter asked him to do on the call in question. Officer Bourbon stated that he was on the traffic stop and received a call from Officer Carter. Officer Bourbon stated that Officer Carter asked him to respond to the suicide call for him as he had just sat down to eat with his family. I advised Officer Bourbon that I would need a statement from him regarding our conversation. He stated he would provide it to me later that evening. Please see Officer Bourbon's written statement located in this investigation. Sergeant Keller spoke with President Kocher and he advised that Officer Carter would answer the remaining questions I was going to ask.

A few minutes later Officer Carter returned to the conference room with his Guild Representatives. I asked Officer Carter if he knew the severity of the call. He stated that he knew it was a female that had attempted suicide by overdosing on pills. I asked Officer Carter if he knew the location of the call. He stated that he did not know the address because he was away from his computer. I asked Officer Carter if he knew Officer Bourbon was on a traffic stop and the location of that traffic stop. He stated that he learned that Officer Bourbon was on a traffic stop only after calling him but acknowledged that he did not know the location of the traffic stop. I asked Officer Carter to address what he requested Officer Bourbon to do regarding the suicide call while he was talking to him on his cell phone. Officer Carter stated he called Officer Bourbon and asked him to cover the call for him. I asked Officer Carter if he told Officer Bourbon that he had just sat down with his family to eat. Officer Carter responded by saying that he didn't recall the exact conversation but he didn't think so.

I asked Officer Carter if he had thought about how it looked to citizens who see officers responding with lights and sirens from different parts of the city to an area where two police cars are backed up to a restaurant with officers inside eating? He stated that it probably didn't look very good.

I explained to Officer Carter that I would be opening up an internal investigation as I needed to gather more information about the incident. I ordered Officer Carter not to discuss the investigation with anybody but his Guild Representatives. He stated that he understood. I also explained to Officer Carter that I felt he had a problem with the supervisors in the department and that I felt he had a problem with taking orders from an acting sergeant. I advised Officer Carter that per the Collective Bargaining Agreement 4.2, titled Management Rights, I would be adjusting his schedule to rotate and mimic the same days as Sergeant Keller's. I explained that he would have the consistency of reporting to one Sergeant with the advantage of knowing who to contact if needed. Officer

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Carter stated he understood my decision. I then advised Officer Carter that his actions concerned me to the point that I felt uncomfortable with him being able to perform his duties and that I was giving him the option of taking the remainder of the night off using leave or getting out of uniform for the night and performing administrative duties around the police department. Officer Carter stated that he wanted to go home and we concluded the meeting.

Upon completion of the meeting, Sergeant Keller gave President Kocher copies of the notes taken and I issued President Kocher the letter advising Officer Carter of the internal investigation. The original was placed into an envelope and placed in Officer Carter's box. I then met with Chief Powers and explained the circumstances surrounding the suicide call and the severity of Officer Carter's actions.

On May 15, 2012, I received an email from Officer Bourbon with an attachment of his statement I ordered him to provide for this investigation. In the statement Officer Bourbon provided he explained that Officer Carter asked him to take the suicide call and told him he was eating with his family and not Officer Thaves. I reviewed the written statement and placed it in this investigation.

On May 17, 2012, Sergeant Keller met with Officer Thaves, Guild President Kocher and Vice President Sean Scott at the police department. Please see Sergeant Keller's report regarding the meeting as well as two pages of questions he asked Officer Thaves.

The following is my summarization of that report: Officer Thaves confirmed that he was eating lunch with Officer Carter at Quizno's in Bonney Lake. Officer Thaves explained that he did hear the call and told Officer Carter to call Officer Bourbon. Officer Thaves went on to say that he didn't know the location of Officer Bourbon and did not respond to the call because he was not dispatched. Officer Thaves did agree with Sergeant Keller that he was closer to the call than Officer Bourbon but still did not respond because he was not dispatched and he was eating a sub sandwich.

VI. Presentation of the Facts and Evidence

EXEMPT: RCW 42.56.240(1)

Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

- A. **Fact one:** Officer Carter was dispatched to a suicide call at [REDACTED] and did not respond.
- B. **Fact two:** By not responding via his radio, Officer Carter placed the life of the suicidal subject in jeopardy by calling Officer Bourbon via cell phone, thus delaying the response of medical aid and other police officers.
- C. **Fact three:** Officer Carter chose to eat lunch and not respond to a priority call and did not notify the duty supervisor.
- D. **Fact Four:** Officer Carter did not tell Officer Bourbon the real location of his lunch break or who he was having his lunch with. Officer Carter could not remember what he said; however Officer Bourbon wrote it in his statement.

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VII. Conclusions

- A. **Allegation One:** Violation of BLPD P&P, 1.7 Code of Ethics (Sta: 1.1)
1. **Opinion:** Officer Carter violated this policy by choosing not to respond to the suicide call and eat a sub sandwich, placing the welfare of the victim in jeopardy.
 2. **Evidence Cites:** Officer Carter placed a phone call to Officer Bourbon and then called on the radio that he was eating lunch.
 3. **Mitigating and Aggravating Factors (if any):** Officer Carter stated that he was upset with the department and upset about being busy.
- B. **Allegation Two:** Violation of BLPD P&P, 4.1.11 Meals & Breaks
1. **Opinion:** Officer Carter violated this policy by not advising communications or his supervisor that he was taking a meal break before doing so.
 2. **Evidence Cites:** Officer Carter was dispatched to a Suicide Call and was eating lunch prior to calling on the radio that he was at lunch.
 3. **Mitigating and Aggravating Factors (if any):** Officer Carter stated he was upset with the department and upset about being busy.
- C. **Allegation Three:** Violation of BLPD P&P, 4.15.5 Attention to Duty
1. **Opinion:** Officer Carter violated this policy by not recognizing the seriousness of the suicide call.
 2. **Evidence Cites:** Upon being dispatched to the call, Officer Carter chose to eat lunch instead of responding to the call.
 3. **Mitigating and Aggravating Factors (if any):** Officer Carter stated he was upset with the department and upset about being busy.
- D. **Allegation Four:** Violation of BLPD P&P, 4.16.8 Unbecoming Conduct
1. **Opinion:** Officer Carter violated this policy by displaying a poor attitude which impaired his ability to operate efficiently.
 2. **Evidence Cites:** Upon being dispatched to the call, Officer Carter chose to eat lunch instead of responding to the call. Officer Carter also did not notify a supervisor or dispatch prior to sitting down for lunch about his location and what he was doing. Officer Carter chose to shirk the call off on a

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new officer. Officer Carter also did not know where his fellow officers were at in the city at the time of the call.

3. **Mitigating and Aggravating Factors (if any):** Officer Carter stated he was upset with the department and upset about being busy.

E. Allegation Five: Violation of BLPD P&P, 4.16.9 Neglect of Duty

1. **Opinion:** Officer Carter violated this policy by shirking his duty to respond to the suicide call.
2. **Evidence Cites:** Upon being dispatched to the call, Officer Carter chose to eat lunch instead of responding to the call. Officer Carter also did not notify a supervisor or dispatch prior to sitting down for lunch about his location and what he was doing. Officer Carter chose to shirk the call off on a new officer. Officer Carter also did not know where his fellow officers were at in the city at the time of the call.
- 3.
4. **Mitigating and Aggravating Factors (if any):** Officer Carter stated he was upset with the department and upset about being busy.

F. Allegation Six: Violation of BLPD P&P, 4.16.11 Prompt Response to Calls

1. **Opinion:** Officer Carter violated this policy by failing to respond to the suicide call.
2. **Evidence Cites:** Upon being dispatched to the call, Officer Carter chose to eat lunch instead of responding to the call.
3. **Mitigating and Aggravating Factors (if any):** Officer Carter stated he was upset with the department and upset about being busy.

G. Allegation Seven: Violation of BLPD P&P, 5.2.2 Response to Calls for Service

1. **Opinion:** Officer Carter violated this policy by failing to notify the on duty supervisor that he was not responding to the call.
2. **Evidence Cites:** Officer Carter was dispatched to the suicide call, did not respond, and did not notify the supervisor.
3. **Mitigating and Aggravating Factors (if any):** Officer Carter stated he was upset with the department and upset about being busy.

H. Could this incident have been reasonable avoided?

1. Yes. The incident could have been avoided if Officer Carter listened to the call being dispatched, recognized the seriousness of the call and promptly responded to the call.

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Recommendation: Founded – there is evidence to suggest that the complaint/allegations were committed.

A/LT. Kurt Allano

I CERTIFY OR DECLARE UNDER PENALTY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FORGOING IS TRUE AND CORRECT. (RCW.9A.72.085.)

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