



Don Anderson
Mayor

Jason Whalen
Deputy Mayor

Mary Moss
Councilmember

Michael D. Brandstetter
Councilmember

Helen McGovern
Councilmember

Marie Barth
Councilmember

Paul Bocchi
Councilmember

Heidi Ann Wachter
Interim City Manager

June 3, 2013

Dana Powers, Chief of Police
Bonney Lake Police Department
18421 Veterans Memorial Drive E
Bonney Lake, WA 98391

Chief Powers,

I have reviewed this investigation and find it to be complete and with all necessary investigative steps taken.

The purpose of this investigation is to determine if Officer Terry Carter violated the policies of the Bonney Lake Police Department in his handling of evidence and reporting to a supervisor on April 26th, 2013. The purpose is not to prove or disprove the threats that were reported to Officer Carter.

The incident in question was a report of possible threats to Assistant Chief Keller. In that incident a Mosque leader discovered items of property belonging to a Mosque member that caused him some concern. Among the items in question were a box of bullets and a notebook with threats against the United States and Assistant Chief Keller's name written in them. The reportee believed these items represented a threat to Assistant Chief Keller and brought them to Bonney Lake P.D. In addition to contacting Bonney Lake, the reportee also called the F.B.I. Officer Carter responded to take the report and take custody of the property.

The investigation shows that Officer Carter took the information and items of evidence from the reportee. This was at the end of his shift and on his Friday. Officer Carter asked a sergeant for permission to hold the report until the next day but only told the sergeant that it was an information report with no crime and did not mention the items of evidence nor did he mention the possible threat to Assistant Chief Keller. He placed the items of property in his trunk, signed out of service, and went home.

At question is whether or not Officer Carter was deceptive when asking the sergeant for permission to hold over the report and whether or not he appropriately handled the items of evidence. Officer Carter clearly withheld information from the sergeant about the details of the report he had. In his own interview he states he withheld that information so he could leave work on time.



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In regards to the items of property, Officer Carter put the property in the trunk of his car and then parked his car in his driveway. A standard best practice is to maintain chain of custody of property until properly packaged and booked into a secure facility. Bonney Lake P.D. supports this through policy and common practice.

Based on the facts of the investigation and my 19 years of law enforcement experience (resume is attached for reference) I recommend the following dispositions:

1.2.6 Informing Superiors: *Members and employees will inform superiors of any matter coming to their attention which may affect the welfare of the Department, or which may be of interest to the Department.*

Sustained: The report of a possible radicalized Muslim making threats against a department member would certainly be of interest to the department and could directly affect the welfare of the department should the threats turn out to be validated. That being the case, Officer Carter clearly should have reported the incident to a supervisor.

1.7 Code of Ethics: *As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.*

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

Sustained: The key component of this policy is the requirement to be “honest in thought and deed.” Officer Carter did not disclose the full details of the report he was working on to the sergeant. He knew doing so would require him to stay past the end of his scheduled shift so he provided only enough information to allow him to



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hold the report over and go home. This was deceptive on Officer Carter's part and done strictly for his personal benefit and appears to be in violation of the policy.

4.15.5 Attention to Duty: *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.*

Sustained: This policy spells out the expectation that all assigned duties must be diligently performed. Completion of reports and proper booking of evidence is an integral part of the completion of assigned duties and Officer Carter did neither. He failed to complete the report in time and placed evidence in his trunk as opposed to properly booking it.

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.*

Sustained: There are two aspects of this policy that are relevant to Officer Carter's actions. First, his mishandling of the report and evidence did not reflect well on the department. In addition to general perception of the department if this incident were made public, the F.B.I. was involved in this incident, which Officer Carter was aware of. Having a federal agency involved in a matter that could possibly relate to national security warrants extra effort and attention to detail. Officer Carter's neglect of duty and lack of effort could reasonably affect the view of the department by the F.B.I. The second aspect was in the impairment of department efficiency. With Officer Carter not completing his duties as required and expected, other officers had to spend time retrieving the evidence from his vehicle and contacting witnesses. For these reasons I find Officer Carter's conduct to be in violation of the listed policy.

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

Unfounded: Officer Carter's actions support a sustained finding for violation of this policy; however the violation is duplicated by the Attention To Duty policy in which



Don Anderson
Mayor

I recommended a "Sustained" finding. I recommend a sustained finding on one or the other, but not both.

Jason Whalen
Deputy Mayor

12.3.2 Evidence- Security: Seized evidence, found property, or weapons held for safekeeping shall be placed in a property locker. The Property Officer or the Alternate Property Officer shall remove the item from the temporary holding locker, move it into the Property Room and record a description of the item into the permanent Property Log. The temporary holding locker shall be designated in such a way that a person can secure their evidence without return access by the seizing person or any other person other than the Property Officer.

Mary Moss
Councilmember

Sustained: The Bonney Lake policy on evidence handling lists only one possible disposition for *any* property. The policy clearly states property "*shall* be placed in a property room locker". No other options are allowed per policy. With this policy the expectation would be that any officer who takes custody of property in the field would place that property into a secure locker as soon as possible. Officer Carter took the property in this case, put it in his trunk, and drove home for the weekend. This is in clear violation of department policy.

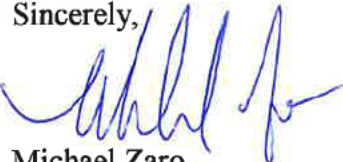
Michael D. Brandstetter
Councilmember

Helen McGovern
Councilmember

This concludes my findings in this investigation.

Marie Barth
Councilmember

Paul Bocchi
Councilmember

Sincerely,


Michael Zaro
Assistant Chief of Police
Lakewood Police Department

Heidi Ann Wachter
Interim City Manager

Michael Zaro
Assistant Chief
Lakewood Police Department

Personal history: I was born and raised in Eastern Washington and moved to Western Washington after graduating High School. I spent a year working various jobs, mostly construction related, before attending Washington State University. After graduating college, I applied for a position with the Pierce County Sheriff's Department and quickly made it through their hiring process. I married my college sweetheart within a year of graduation and we are still married with two wonderful daughters. Outside of work I enjoy snow skiing, travel, yard work, and following my kids to their various activities.

Education: Bachelor of Arts in Criminal Justice and Sociology from Washington State University 1993, WSCJTC basic academy 1994, F.B.I. National Academy 240th session, F.B.I. Law Enforcement Executive Development Seminar 68th session, Masters of Arts in Administrative Leadership from the University of Oklahoma 2012.

Work History:

September 2004 to present: Lakewood Police Department

Duties, assignments, and volunteer positions:

June 2008 to present: Assistant Chief

- Administrator of all operations
 - o Patrol response
 - o Investigations
 - o Administration
 - o Specialty Units
 - Labor relations with police union
 - o Contract negotiations
 - o Grievance and dispute resolutions
 - Represent department on regional groups and teams
 - o Regional SWAT team oversight committee
 - o Metro Cities Cooperative
 - o Pierce County Sheriff and Police Chief's Association
 - o January 2011 to present: SWAT Team Tactical Commander
 - o January 2012 to 2013: Chair Pierce County Metro K9 oversight committee
 - o January 2012 to present: SS911 Operations Board
 - July 2011 to present: member of Board of Directors for Greater Lakes Mental Health (not-for-profit)
 - March 2013 to present: Communities in School volunteer Mentor
-

September 2006 to June 2008: Sergeant

- Patrol supervisor September 2006 to July 2007
- Professional Standards Section supervisor August 2007 to June 2008
 - o supervise volunteers
 - o supervise reserve program
 - o supervise background and hiring of new police department employees
 - o supervise the training section
 - o perform internal affairs investigations

September 2004 to September 2006: Detective

- Homicide and felony assault investigations
- Forensic processing of computers
- Forensic crime scene processing
- Public Information Officer
- Member of the Crime Response Unit (a multi-agency investigative unit in Pierce County)
 - o Performed officer involved shooting/critical incident investigations for various agencies

September 2004 to October 2006: Founding and presiding President of the Lakewood Police Independent Guild

- Created the Guild through PERC
- Negotiated the Guild's, and the City's, first labor contract

January 1994 to August 2004: Pierce County Sheriff's Department

Duties and assignments with Pierce County:

June 2001 to August 2004: Detective (supervisory responsibilities)

- Special Assault investigations
- Homicide and felony assault investigations

January 1994 to June 2001: Deputy

- Field Training Officer
- Field Training Officer Advisor
- Driving Instructor



Bonney Lake Police Department

Memorandum

Date: May 6, 2013

To: Kurt Alfano, Assistant Chief

From: *Dana* Dana Powers, Chief of Police

Re: Request for an Administrative Investigation – Subject employee: Officer Terry Carter

I have read your memo regarding Request for an Administrative Investigation – Subject employee: Officer Terry Carter and have concurred with your request. I order that an Administrative Investigation into the alleged misconduct by Officer Terry Carter be conducted. I further order that you contact an outside agency to conduct the Administrative Investigation.

Officer Terry Carter will be placed on paid administrative leave Tuesday, May 7, 2013. His work hours will remain the same and he will be available for duty or investigative purposes during those hours. He will be available by phone and able to report for duty in order to receive his regular pay.

BONNEY LAKE POLICE DEPARTMENT

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18421 Veterans Memorial Dr. E., Bonney Lake, WA 98391 Office 253-863-2218 Fax 253-863-2661

Updated version 05-15-12. All other versions are invalid



Bonney Lake Police Department

Memorandum

Date: May 6, 2013

To: Chief Dana Powers

From: Assistant Chief, Kurt Alfano

Re: Request for an Administrative Investigation – Subject employee: Officer Terry Carter

Chief Powers,

On April 29, 2013, I was contacted by Records Clerk Heather Tower, hereafter referred to as Heather, in regards to Bonney Lake Police Report BL13001001. Heather asked if Assistant Chief Keller or I wanted to talk with a FBI Special Agent about the case report. Both of us, not having any information about the case asked Heather what the case report was about. Heather was shocked that we knew nothing about the case as she knew the case was about a possible death threat against A/C Keller.

Heather handed me the print out of the CAD Report #131160150, a call which showed that Officer Terry Officer Carter was dispatched to the lobby of the police department for a threats report against a department employee on April 26, 2013 at 1250 hours. Heather stated that she was familiar with the call as she was the front desk clerk who assisted the minister, Mark Blitz of El Shadii Ministries' who had come into the lobby to report the threat. Heather said Biltz, stated that he wanted to report a death threat to a Bonney Lake Police Officer. Biltz asked Heather if we had an officer by the name of Jim Keller. Heather went on to say Biltz advised her that he had already contacted the FBI and wanted to report it to us. Heather stated that she first checked A/C Keller's office and found that he had already left for the day so she advised Blitz that she would advise dispatch to have an officer respond to the lobby.

Heather stated that Officer Carter arrived to the lobby about ten minutes later and contacted Biltz. Heather stated that both Officer Carter and Biltz then left the lobby and she never heard anything else about the call.

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Heather stated that about an hour later she was curious what had happened with the call as the CAD showed that Officer Carter cleared the call with a report as the disposition. Heather stated that she walked into the patrol room and observed Officer Carter at the table with a bunch of evidence laid out on the table. Heather stated that she asked Officer Carter what the call was about and whether or not there was a death threat against Keller. Heather stated that Officer Carter told her he wasn't sure if he had a crime or not and then stated that he was in a hurry to wrap up the evidence because he had a detail at 3:00 p.m. I later looked at the CAD report that Heather handed over and noted that Officer Carter called out on a detail at 3:00 p.m. in Enumclaw, Washington. Heather described some of the evidence as a Muslim book of Quran, a Muslim Head dress and a bunch of journals.

Heather stated that the FBI was now on the phone wanting to come to our office to look at the evidence from the case. Heather stated that she attempted to research the case but it was not in the system. I advised Heather to take the information from the agent and we would return his call.

Thinking that Officer Carter had simply forgotten to upload his report, I decided to check the property room to see if I could get the property out for the FBI. I contacted Property Custodian Don Frazier who was in the process of removing property from the temporary lockers. I asked Don if I could look at the property for case BL13001001. Don searched for a minute then stated that he didn't think he had received anything from that case report. Don confirmed through his computer that there had not been any property booked in under that case number.

I then contacted Detective Sergeant Tom Longtine and Detective Brian Byerley to see if they have any knowledge of the property from this case. Neither Detective Sergeant Longtine nor Detective Byerley knew anything about the case and did not know where the property was.

I instructed Detective Sergeant Longtine to call Officer Carter at home and find out where the police report was and to inquire about the location of the property associated with this case. I also told Detective Sergeant Longtine that it was imperative that the case and property be located and submitted as soon as possible as the FBI wanted the information. A short time later Detective Sergeant Longtine advised me that he spoke with Officer Carter who advised him that he had completed the report and had yet to upload it. Detective Sergeant Longtine stated that Officer Carter never gave an explanation as to why the report was completed; however not uploaded into our case management system. Detective Sergeant Longtine also stated that Officer Carter told him the property was located in the trunk of his patrol vehicle. Detective Sergeant Longtine stated that Officer Carter did not give him an explanation as to why the property from this case was located in the trunk of his patrol vehicle. I told Detective Sergeant Longtine to call Officer Carter back and inquire if he spoke to a supervisor regarding the delay of submitting the police report. I further advised Detective Sergeant Longtine to have Officer Carter respond to the office immediately with the property.

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Based on the above information I request an Administrative Investigation to be opened to look into the possible violations of our Bonney Lake Police Department Standard Operating Procedures to include the following:

SOP 4.15.5 Attention to duty – Officer Carter did not file the police report in a timely manner and placed evidence in his patrol car for over 48 hours.

SOP 4.16.8 Unbecoming Conduct – Officer Carter did not treat the call as a possible threat to public safety. Officer Carter left evidence/property in his patrol car for over 48 hours. Due to the evidence not being placed into the Bonney Lake Police Department evidence locker and the proper protocol followed, when the FBI wanted to examine the evidence and we had to disclose that the chain of custody had been violated.

SOP 4.16.9 Neglect of duty - Officer Carter did not file the case report in a timely manner and placed evidence in his patrol car for over 48 hours. Officer Carter shirked his duties and went to an unknown detail in Enumclaw, Washington.

SOP 1.2.6 Informing Superiors - Members and employees will inform superiors of any matter coming to their attention which may affect the welfare of the Department, or which may be of interest to the Department. Officer Carter did not tell Sergeant Hoag that A/C Keller's name was associated with case or found with in the evidence.

SOP 1.7 Code of ethics – Officer Carter deliberately omitted facts to Sergeant Hoag. Officer Carter did not tell Sergeant Hoag that there was a possible death threat against Assistant Chief Keller or that he had property associated with the case.

SOP 12.3.1 Evidence, collection and reporting – All evidence or found property should be processed as soon a practical and in accordance with departmental guidelines. The evidence should not have been left in a patrol car for over 48 hours violating potential chain of custody.

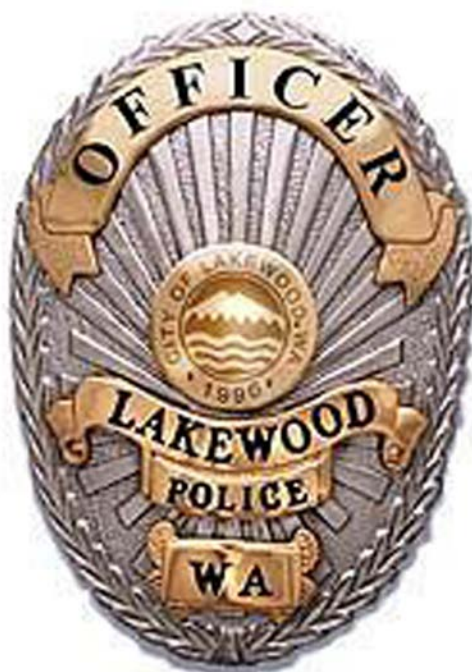
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**Bonney Lake PD
#13-002
Internal Investigation**



**Lakewood Police Department
Professional Standards Section
Sgt. John Unfred**



LAKESIDE POLICE DEPARTMENT

Professional Standards Section



CASE REPORT & SUMMARY

Bonney Lake #13-002

Subject Employee: BLPD Officer Terry Carter

Investigator: LPD Sgt. John Unfred

Allegation (s): It is alleged that Officer Carter mishandled a call that involved a threat to a department employee, mishandled the evidence, and lied to a supervisor.

On 05/06/13, I met with BLPD A/C Alfano and LPD A/C Zaro at the Lakewood Police Station regarding a request from Bonney Lake PD to conduct an administrative investigation on their behalf. Zaro said he had agreed to accept their request and assigned me to conduct the investigation.

A/C Alfano gave me a brief synopsis of the allegations. He said that on 4/26/13, Officer Carter was dispatched to the lobby of their police station to meet with a R/P who wanted to report that one of his religious congregation members had left some property at a rental home that had some indications of a threat against Bonney Lake PD A/C Keller. Alfano said that Carter did not notify anyone of the incident, had failed to submit his report and evidence in a timely manner, and had lied to a supervisor. A BLPD Detective had to go out to Carter's house and retrieve the evidence once this was discovered. These were the allegations I was asked to investigate.

Alfano provided me with a list of potential witnesses and BLPD Administrative Investigation forms. He also provided me with copies of the General Report for this incident, Carter's CAD log for 4/26/13, a copy of his Daily Observation Report from his initial department training showing he had been trained on proper evidence handling, and relevant sections of the BLPD Department manual. After reviewing the above materials, I informed Alfano of my investigative course of action and timeline, to which he agreed.

On 05/20/13 I conducted interviews with the following witnesses at the BLPD station: Heather Tower, Sgt. Hoag, Sgt. Longtine, and Det. Byerly. All witnesses were sent Outlook calendar invites and I made phone contact with them prior to the interview. All interviews were taped and all witness employees were provided the BLPD, "Employee Obligations and Protection in an Administrative Investigation" form.

I first interviewed records clerk, Heather Tower. Tower said she had the first contact with the R/P, Mark Biltz. He came into the lobby in an excited state at around 1300 hrs on 04/26/13.

He told Tower that he had some information about a threat to A/C Jim Keller. Tower checked but Keller and all of the detectives were not in the building, so she had dispatch send an officer for a report. Tower said Biltz was very excited and mentioned that he had already called the FBI about this. Ofc. Carter arrived and spoke with Biltz for 2-3 minutes before they left to go to Biltz's office, which is a couple blocks from the PD station. Carter returned 30-45 minutes later and spread out a number of items on the table in the patrol room. Tower said these items included a journal, a Koran, a box of bullets, and some other things. Tower was curious about it after having seen how excited Biltz was and the possibility of a threat to one of their assistant chiefs. Carter told her, "I don't know what I have here." Tower said he got a dispatch call to the Justice Center but returned a short time later, but she didn't know what he did with the evidence while he went to that call. Carter had mentioned to Tower that he had a detail at 1500 hrs, but did not say what it was.

On the following Monday morning, 4/29/13, Tower was working the front desk and took the call from an FBI agent asking about the evidence and status of this case. Tower contacted Keller and Alfano to ask them and they had not heard anything about this case. Tower went back and tried to find the report. After some research, she located the case jacket, but the report was not submitted. The evidence had not been submitted and a detective was sent to Carter's house to retrieve it.

Tower said that she could recall two prior incidents that involved threats against a department member. On both occasions, emails were sent to the entire department alerting them to the threat and investigations into the threats were initiated.

I then interviewed Sgt. Hoag. Hoag said that on 04/26/13, he was returning from a day of training at the academy and happened to stop into the station to get some paperwork and talk to an Officer about something. Carter approached him to ask if he could hold over a report until the next day. Hoag said that all Carter told him was that it was, "A non-criminal information report." Carter said he was working the Citizens' Academy the next day and would get it done then. Hoag said that Carter never mentioned that it was a threats case, that it involved threats against a department employee, that the FBI had been contacted, or that there was associated evidence with the case. Hoag said that had he known the full details, he would have instructed Carter to finish the report and properly book the evidence.

Hoag said that on Monday, after being notified by Sgt. Longtine about what had happened, he called Carter. Carter apologized to Hoag and said that he provided Hoag with very little information because he wanted to get home that evening. Carter said he intended to get it done the next day but didn't. Hoag said he thought this was deceptive on Carter's part by not providing him with the full information in order to make a decision.

Hoag said that their department policy and procedures say that evidence should be booked into evidence and should never be left unsecured in a patrol car at an Officer's residence overnight. He could not think of a situation in which that would be acceptable. Hoag also said they had some gun lockers that have been used as temporary lockers in the past.

I next interviewed Sgt. Longtine. Longtine supervises all of the detectives for the department. Longtine said that on Monday 4/29, A/C Alfano came to his office asking about this case. Longtine had no knowledge of the case and began doing a little research into the matter. Longtine ended up contacting Carter by phone and found out that the evidence was in Carter's

patrol car trunk at his residence. Longtine instructed Det. Byerly to go out with a spare key and retrieve the evidence. Longtine also reviewed Carter's initial General Report for this incident prior to leaving for the day on Monday. Longtine rejected the report because in the narrative, Carter stated he had, "Later booked the items into the Bonney Lake Property Room for Safekeeping." Carter also indicated he had later uploaded the photos to the department's X drive (photo storage drive). Since these had not, in fact, happened, Sgt. Longtine returned the report to Carter. Carter later corrected these statements and resubmitted his General Report.

Longtine said that he reviews almost all of the reports Officers complete as he is in charge of assigning cases to detectives for follow-up. He said that Carter's reports have a tendency to be somewhat lacking. He said Carter does not always take the full investigative steps he could or does not fully document incidents as well as he should.

I interviewed Det. Byerly next. Byerly said that on Monday 4/29, he was instructed by Sgt. Longtine to retrieve the evidence from Carter's patrol car. Byerly took a spare key to Carter's car and retrieved the items, which were in a black garbage bag in the trunk. Byerly said the items included an empty handgun box, a box of ammunition with "USA Send them quickly to Allah" written on it, and a journal. In the journal is a page with "Jim Keller@Bonney Lake Police" written on it. There is another page with a notation that reads, "1 mile = 1609 meters 4265 feet = 1300 meters almost a mile away." Byerly noted that the BLPD station is approximately 1300 meters from the suspect's house. In the same journal is a list of items that Byerly felt were more of a kill kit list than a survival list. These items included things like surgical gloves, duct tape, quick clot, and other combat type items.

Byerly also said that he has reviewed some of Carter's reports and investigations and found them to be somewhat lacking. He said that Carter typically does the minimum but nothing more in his investigations.

On 05/20/13, I interviewed Ofc. Rice at the LPD station. Rice was the other Officer working with Carter on 4/26. Rice did not remember if he was even working on 4/26. He thought he might be but I did not have his CAD history to know for sure. Rice did not remember Carter being dispatched to this call. Carter did talk to Rice about it the following week. Carter was basically explaining to Rice what happened and that he should have booked the evidence and finished the report before going home.

Rice said that his understanding of department policy and procedures is that you would book evidence by the end of your shift and that all reports should be finished by the end of your shift, unless you obtain a Sgt's permission to hold over. He also said that all reports should be finished before an Officer goes on days off.

Also on Monday 5/20/13, I issued Ofc. Carter a Subject Employee Interview notice electronically for 5/23/13 at 0900 hrs. I followed up with a phone call to him. I offered to answer any procedural questions he might have. I also spoke with Ofc. Kiblinger, who said he would be acting as Carter's guild representative.

On 05/23/13 at 0900 hrs, I conducted an interview with Carter at the BLPD station. Carter was represented by Ofc. Kiblinger and Ofc. Green as guild representatives. Carter said that he was working on 4/26/13 when he was dispatched to contact R/P Mark

Biltz in the lobby of the police station. Biltz was very excited about a possible threat to A/C Keller and said he was already in contact with the FBI regarding this. Carter went with Biltz to his office nearby and retrieved the property. Biltz explained that the property was left in a rental home by a member of his congregation. Biltz also told Carter that the FBI was coming out the following day to collect the items. Carter told Biltz that it would be better if he took custody of the evidence so that the chain of custody could be maintained and the FBI could come get the property from the BLPD. Carter left Biltz's office and went to the Justice Center to talk to a prosecutor about a separate case. Carter looked through the items in his patrol car while at the Justice Center. Carter said that after reviewing the evidence, he determined that there was no credible threat against Keller, so the "Evidence" then became merely "Found property." Carter said he was back at the station for the swingshift shift briefing at 1500 hrs. He said he mentioned this call to the oncoming swingshift Officers. I asked him if this was just a routine information report, why would it be important enough to brief the oncoming shift? He replied that he just told them he had taken an info report and that was all.

Carter states that the property included a box of bullets with writing on it that said, "USA send them to Allah quickly" a prayer rug, Koran, and a journal, among other items. In the journal, there was one page that just had A/C Keller's name on it, but nothing else. Carter did not mention the list of items that Byerly found to be a kill list or the notation about the distance that matches the distance from the suspect's house to the BLPD.

Carter said he laid all of the evidence out on the table in the patrol room and was going through it. He got a dispatch call and had to leave the station but returned a few minutes later. However, during this time, he left the evidence out on the table unsecured.

Carter said he had to drive to Enumclaw at 1500 to pickup a trailer for the next day's Citizen's Academy. He returned to BLPD and ran into Sgt. Hoag. He asked Sgt. Hoag if he could hold the report and finish it the next day. Hoag agreed. Carter said he left work at 1630 hrs that day. He said he wanted to get home because he had some family obligations at home that he wanted to attend to.

Carter said he ended up not having time the following day at the Citizens' Academy to write the report, so he wrote it either Saturday or Sunday night. The Enforcer report shows it was initiated on 4/27/13 (Saturday) at 1704 hrs. I asked why he would write this report on his own time if it was just an information report. He replied that he just wanted it done and he knew "they" would want it on Monday. Carter said he did not write the report and book the evidence Saturday after the Citizens' Academy because he wanted to go home.

Carter asserts that he determined there was no crime, so the property was not "Evidence" it was "Found Property" only. However, he admits that he knew the FBI was likely coming to pick up the property and that leaving the property in his trunk would break the chain of custody. He also admitted that there were secure gun lockers in the station that have been used as temporary evidence storage in the past, but he did not use them. He further admits that his department policy and practice does not allow Officers to leave evidence or found property in an Officer's trunk over night or over a weekend. He

also admits that even routine reports are generally not allowed to be held over an Officer's weekend.

Carter did not contact a supervisor or detective regarding this case. He did not notify A/C Keller or anyone else in the department. He said that in the past when there were threats against a BLPD Officer, some sort of communication was sent out to all department members. Carter asserts that in this case, there was no threat, so he didn't send any communication, but admits he should have conferred with a supervisor or detective.

I went back to the issue of Carter asking Sgt. Hoag permission to delay completing the report. Carter earlier stated he did not give Sgt. Hoag much detail, only that this was an information report and asked permission to hold it. Carter admitted he did not tell Sgt. Hoag that it involved possible threats against one of the Assistant Chiefs, that the FBI was involved, or that there was evidence and photos associated with the case. Carter said that he knew this information would likely cause Sgt. Hoag to instruct him to complete the report before going home. I specifically asked Carter if he intentionally withheld this information so that Sgt. Hoag would give him the answer he wanted, which was that he could hold the report and go home. Carter said he didn't *"feel"* his intent was to withhold the information. Carter took a short break to confer with his guild representatives before we re-started the interview and went back to the question. I asked him why he withheld the information from Sgt. Hoag and he stated, *"Because I was trying to go home. I was trying to go get the trailer and go get that stuff done."* I asked Carter if withholding this information was deceptive and he said, *"Yah. I guess I do, yah."* Carter agreed this violated the trust from Sgt. Hoag by not giving him all of the pertinent information for making his decision. He stated he later apologized to Sgt. Hoag because he realized he had put him in a bad position (*transcript pages 18-22*). I concluded my interview with Ofc. Carter.

On 05/28/13, I contacted Mark Biltz by phone. Biltz confirmed that he met with Ofc. Carter at the BLPD lobby on 4/26/13. They spoke for 2-3 minutes and then Carter followed him to his church office nearby. Biltz showed Carter the property and explained his concerns. Biltz said he did not have much additional information than what was contained in the found items because he has had little contact with the suspect in this case. Biltz explained that his congregation is over 600 people. Biltz did say he related to Carter that what concerned him amongst the items was the box of bullets with writing on it, Keller's name in the journal, the measurement for what appeared to be the distance from the suspect's house to the BLPD station, and the shopping list containing items that appeared to be geared more towards killing someone versus a list of survival items.

I also spoke with Tina Fallstead, Biltz's office secretary who also spoke with Carter that day. Fallstead said what concerned her, and what she related to Officer Carter, was information written in the journal or day planner. On one date, it listed the date he planned to convert. On another, it listed A/C Keller's name. In the to do list section, there were several lists that had normal, business type items, but interspersed in these lists were things like, *"Screw over as many people as I can."* There was a notation about measurements of a specific distance and the sort of shopping list of items. These items were not survival type items such as food, water, clothing, but specific items that might

be used to murder someone and/or get rid of evidence. This matches the statement she gave Det. Byerly (see his supp report).

Respectfully submitted,

A handwritten signature in blue ink that reads "John J. Unfred". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Sergeant J. Unfred
Professional Standards Section