



# PACIFIC POLICE DEPARTMENT

## *Memorandum*

Chief Craig Schwartz

March 8, 2021

TO: DETECTIVE TERRY CARTER

FROM: CHIEF STEPHEN CRAIG SCHWARTZ

**SUBJECT: AI # 20-04 – NOTICE OF DISCIPLINE: 40 HOUR SUSPENSION WITHOUT PAY AND PERFORMANCE IMPROVEMENT PLAN THROUGH 2022**

This notice serves as my final determination of discipline arising from Administrative Investigation No. 20-04. *My initial determination was provided to you in a notice dated January 26, 2021, and I incorporate the terms of that notice herein by this reference.*

On Tuesday, February 9, 2021, I met with you for your *Loudermill* hearing for Administrative Investigation 20-04. You chose not to bring a union representative to the hearing. During the hearing you accepted responsibility in the issues and policy violations identified in this investigation. You did not argue against the alleged violations having occurred, or bring forward any evidence that would lead me to change the findings that the policy violations alleged actually occurred in this case.

Accordingly, the facts established by this investigation provide sufficient evidence and information to sustain that you violated the following policies:

***1. Policy 327 – Child Abuse***

*327.3 Mandatory Notification*

*Members of the Pacific Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030)*

Your practice of notifying CPS at the completion of a child abuse investigation, and not at the beginning, is a violation of long-standing City policy and state law, and did not serve the best interest of child victims, or the mission, vision and values of this department. CPS investigators have resources, requirements and goals which are different than those of the police. Early notification of CPS is a core requirement in the law. You said you should have known about this

requirement but were unaware of it because you signed off on this department policy without actually reading it. That is unacceptable conduct and a dereliction of your duties to the department and the people we serve.

*327.4 Investigation Responsibility*

*The duties of the detectives assigned to investigate child abuse include, but are not limited to:*

- (a) Responsibility for the investigation, the collection of evidence, and preliminary preparation for the prosecution of all cases of child abuse and molestation.*
- (d) Investigating reports of unfit homes, child abandonment, child endangering, or neglect.*
- (e) Providing follow-up compliance calls on reports of suspected child abuse.*

Your failure to adequately investigate numerous cases of crimes against children dating back to 2016 were a shocking example of your dereliction of duty, and further demonstrated a failure to live up to our responsibilities to the most vulnerable members of our community: children. The potential (albeit ultimately unfounded) allegation of ongoing sexual abuse of a minor reported to the department by the ICAC Task Force was perhaps the most egregious violation of this policy and also the mission, vision, and values of the department, as well as the trust bestowed on us by the community.

*327.5 Investigations and Reporting*

*In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.*

You had cases assigned to you, including but not limited to 16-1054, 18-0690, 19-0743, that you did no work on for over a year. Most egregiously, in some cases the statute of limitations had expired or was about to expire at the beginning of this investigation, eliminating even the potential for prosecution if it was warranted.

**2. Policy 337 – Conduct**

*337.3.5 Performance*

- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.*

*(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.*

As the investigators said, “[i]nefficiency or delay in performing work assignments is at the heart of the matter under investigation.” The investigation confirmed, and you do not dispute, that you allowed viable cases to sit dormant on the case log for two to three years. Notably, section (c) of this policy references the caveat ‘*without a reasonable and bona fide excuse.*’ The investigators noted that the case assignment system at Pacific PD, from the time you were promoted to detective, was a mitigating factor for the cited delay. However, the investigation still confirmed unexcused lapses in attentiveness and initiative on your part that contributed to and exacerbated the problem. Specifically, the investigators noted: “[o]ne of the more egregious consequences of Detective Carter’s inefficiency or delay was in case 18-0056.” Although the King County Prosecutor’s Office has now filed charges against some of the suspects in this kidnapping case with a cooperative victim, other suspects escaped justice and evidence was lost/destroyed because the case sat for over 2 years without follow-up investigation.” Even with the mitigating factors pertaining to supervision, a trained and competent detective should have known that this case was a serious felony that had a number of solvability factors that should have made it a high priority investigation.

### **3. Policy 341 – Report Preparation**

#### *341.3 General Policy of Expeditious Reporting*

*In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.*

Your method of writing narratives in MS Word, rather than continually putting supplemental reports into Spillman, was a violation of this policy. Utilizing a format that is not accessible by your colleagues delays the preparation of complete reports and diminishes processing time and auditing. In addition, your failure to conduct and document appropriate follow-up investigations, and to failure to write any reports for several cases was a violation of this policy and allowed cases to stagnate.

### **4. Policy 600 – Investigation and Prosecution**

#### *600.1 Purpose and Scope*

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*When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.*

Your lack of work in several cases, including a kidnapping and the ICAC investigation, were examples where you failed to act with due diligence. Your derelict performance in the role of detective resulted in criminal suspects escaping justice and brought discredit to the Pacific Police Department.

**5. Policy 607: Sexual Assault Investigations**

*607.2 Policy*

*It is the policy of the Pacific Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.*

There were multiple reported sexual assault cases where you failed to aggressively investigate the allegations, but perhaps none was so egregious as the ICAC case reported in the spring of 2020. Your dereliction of duty is a serious violation of this policy and the mission, vision and values of this department.

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During the hearing, you reiterated the issues of mitigating factors you had made with the Bremerton Police Chief and Captain during your interview that were previously commented on by the investigators. This included describing what you saw as mitigating circumstances related to the supervision you received since you were appointed to the Detective position, and how you were overwhelmed with the volume of cases and other workload assigned to you. You stated that you reached out to your supervisors and others for help several times and stated that sufficient assistance was not provided until these issues were identified during the course of this investigation. You also stated that many of these issues have been redressed as a result of the commencement of this investigation. You stated your case load has been dramatically reduced as a result of this investigation and actions taken in response to it, including (1) that you and others have completed the cases in your investigative backlog, and (2) because I have modified the policies to reduce the number of cases assigned from patrol to the detective for follow-up.

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**Discipline:**

I have considered the seriousness of these policy violations, and of the overall situation created by the multiple failures noted in this investigation. I have also considered the mitigating factors identified by the investigators and raised by you at your *Loudermill* hearing. On the issue of mitigation, and as I noted in my January 26, 2021 pre-determination memo:

If the responsibility for this situation rested exclusively with you, I would very likely demote you to the rank of Police Officer due to these policy violations that call into question your ability to serve as detective. This investigation showed that there were mitigating factors, including leadership and management failures, which contributed to a situation not entirely within your control. I recognize that you may have been provided conflicting, and at times confusing, direction in the prioritization of your workload. I also recognize that appointing you to an Acting Sergeant position in 2020 further reduced your ability to timely investigate cases. Even so, you have been the detective at the Pacific Police Department since 2016 and most of the delinquent cases were assigned to you long before you assumed the Acting Sergeant role.

However, given the confirmed lack of judgment demonstrated and failure to prioritize work on your cases, the mitigating factors identified and confirmed by the investigators in this investigation cannot entirely absolve you of culpability in the policy violations noted above. As the department's sole detective, operating in a rank above that of a Police Officer but below Sergeant, you have a great amount of responsibility to ensure that your work is thorough, professionally done, and of high quality. That did not happen in the cases reviewed in this investigation. In many cases your work was not only not of a high quality but was not completed at all. As I noted above, a trained and competent detective cannot allow cases involving serious allegations like kidnapping, rape, child abuse, and sexual assault of children to sit dormant for any substantial length of period. It is a shocking failure that created unnecessary risk for victims of crime, unacceptable liability for the City, and discredit to yourself and the reputation of the Pacific Police Department.

Based on the seriousness of the violations uncovered in this investigation and the length of time the situation was allowed to continue, I have decided to suspend you without pay for 40 hours. I will allow you to substitute 20 hours of that suspension with a forfeiture of 20 hours of vacation or comp time if you choose.

**Performance Improvement Plan:**

Just as importantly, I am placing you on a performance improvement plan ("PIP") (attached) through the end of the year 2022 (December 31, 2022). Substantially improved performance and compliance with the policies described in this memo is integral to your success with this

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department. I expect you to meet the expectations of this PIP and must notify you that failure to meet those expectations could result in additional discipline, up to and including demotion or termination of employment. The expectation I am setting is for immediate and sustained compliance with your duties as a Detective as described in this memo and the accompanying PIP.

Sincerely,



STEPHEN CRAIG SCHWARTZ  
Chief of Police

c: Detective Carter  
Matthew House  
IA# 20-04

Attachment: Flash Drive to include the following:

1. Copy of Investigation IA# 20-04

ACKNOWLEDGEMENT OF RECEIPT:

  
\_\_\_\_\_  
Detective Terry Carter

Date of Service: 3/8/21



# PACIFIC POLICE DEPARTMENT

## *Memorandum*

Chief Craig Schwartz

March 8, 2021

TO: Detective Terry Carter

FROM: Chief Craig Schwartz

**SUBJECT: Performance Improvement Plan**

As the result of the outcome of Internal Investigation 20-04 and the multiple deficiencies noted in your 2020 performance evaluation, you are being placed on a performance improvement plan until the end of 2022 (through December 31, 2022). The purpose of this plan is to help you succeed as a Detective with the Pacific Police Department. The information listed below will explain (i) areas of substandard performance, (ii) the Department's expectations of you, (iii) how to correct those performance issues, and (iv) how your performance will be monitored.

### **AREAS OF DEFICIENCIES:**

During the last year, you were the subject of an administrative investigation in which you were found to have violated the following policies:

1. Policy 327.3 Child Abuse, Mandatory Notification
2. Policy 327.4 Child Abuse, Investigation Responsibility
3. Policy 327.5 Child Abuse, Investigations and Reporting
4. Policy 337.3.5 Conduct, Performance
5. Policy 341.3 General Policy of Expeditious Reporting
6. Policy 600.1 Investigation, Purpose and Scope
7. Policy 607.2 Sexual Assault Investigations, Purpose and Scope

### **METHOD TO CORRECT**

1. You are expected to know, understand and comply with State statutes and Department policies regarding the investigation of child abuse and sexual assault (Department policy

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- 327, Child Abuse; Department Policy. This includes making proper notifications to CPS and your supervisor when you learn of the allegation.
2. You are expected to continue actively managing your cases using a spreadsheet or other method visible to your supervisor. This includes weekly updates in the already established case log on all active cases.
  3. You are expected to actively follow-up on all open cases each week and document work weekly in Spillman unless otherwise approved by your supervisor in writing.
  4. You are expected to promptly forward a copy of all prosecutor requests for more information ("MI") to your supervisor.
  5. You are expected to meet all MI deadlines and requests/requirements. Your supervisor shall be contacted if you are having challenges meeting MI deadlines and requests/requirements.
  6. You are expected to specifically pay attention to state law statutes of limitations for crimes you are investigating and submit cases to the Prosecutor's Office well in advance of the limitations period.

Your supervisor will meet with you at least weekly to review the progress in your performance and to discuss any plans for maintaining or evaluating your performance. These meetings will be documented using a provided form. Failing to meet the expectations in this PIP could result in disciplinary action(s) up to and including demotion or termination of employment.

Sincerely,



STEPHEN CRAIG SCHWARTZ  
Chief of Police

cc: Matt House, Union Representative  
Personnel File  
IA# 20-04 file

ACKNOWLEDGEMENT OF RECEIPT:



NAME, Detective Terry Carter

Date of Service: 3/8/21





# PACIFIC POLICE DEPARTMENT

## *Memorandum*

Chief Craig Schwartz

March 8, 2020

TO: Detective Carter  
FROM: Chief Schwartz  
SUBJECT: Written Reprimand

On February 23, 2021 I learned that you the King County Prosecutor's Office sent you "MI" requests for additional investigation or information on two cases approximately 6 months ago but you had not acted on those requests. The first request from Senior Deputy Prosecuting Attorney Celia Lee was sent directly to you via email on 8/26/20 and asked for more information on a child abuse case documented in report 19-0765. The second was also sent directly to your email address by Ms. Lee on 9/1/20 and requested additional information for a child abuse report documented in report 19-0754. Both MI requests were due back to the prosecutor on 9/15/20.

Nearly six months after receiving these requests for more information, you had not fulfilled the requests or even responded to the Senior Deputy Prosecutor. The Conduct Policy, in section 337.3.5 discusses performance expectations and states that the following conduct can result in discipline:

- (c) *Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.*
- (ac) *Any failure or refusal of an employee to properly perform the function and duties of an assigned position*

Policy 600 – Investigation and Prosecution, states the following in section 600.1:

*When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.*

Your failure to appropriately respond and follow-up on these two cases happened while you were under investigation for numerous examples of similar policy violations. The

two cases mentioned here were included in that administrative investigation because they and many others had not been appropriately investigated in a timely manner.

As the Department's sole detective, a rank above that of a Police Officer but below Sergeant, you have considerable authority and responsibility to ensure that you organize and prioritize your workload and that you complete your assigned tasks in a thorough, professional manner that serves our community well and brings credit to both you and the Pacific Police Department. Your performance in this matter represents a repeated failure to follow up on investigations and has once again resulted in poor service to the community and damaged both your reputation and the reputation of the department.

I am issuing you a reprimand today and must make clear that repeated violations of a similar nature may result in more severe discipline.

  
\_\_\_\_\_  
Craig Schwartz, Chief of Police

Received by:  
  
\_\_\_\_\_  
Terry Carter, Detective

3/8/21  
Date