

To: Bishop City Council, Sierra Wave Media, The Inyo Register, KIBS/KBOV, The Reader,
The Mammoth Times, The Sheet, The Ridgecrest Daily Independent

Date: September 16, 2015

LETTER OF NO CONFIDENCE IN BISHOP POLICE CHIEF CHRIS CARTER

It is with great regret that we, the undersigned Officers of the Bishop Police Department, write this letter. Unfortunately circumstances leave us no choice. We have lost all trust, faith and confidence in Chief Chris Carter's ability to lead this Department and continue serving as Chief of Police.

By fostering an atmosphere of hostility, retaliation and unethical behavior Chief Carter has brought morale to an all-time low. Retention and recruitment of qualified personnel is suffering. That in turn jeopardizes the safety of the community. Chief Carter's unfair and inequitable treatment of Department personnel and his use of internal affairs investigations to intimidate Officers can no longer be tolerated.

The Bishop Police Department used to be one of great pride for those who work here and was looked upon by outside law enforcement Officers as a solid agency that was a desirable place to work. The Police Department recently hired a new Officer – the ONLY person according to Chief Carter to apply for the position. In this line of work, good Officers move towards problems, but not towards problem Departments.

Chief Carter has been involved for some time in a business and financial relationship with a sitting City Councilman and an Officer, formally a Sergeant, within this Department. The former Sergeant, and business partner of the Chief and City Councilman, was demoted back to the rank of Officer for misconduct involving lewd and obscene pictures taken with a Department issued cellular phone. The former Sergeant sent the pictures while on duty using his Department issued cellular phone to a female subordinate who was also on duty. This is common knowledge in the Department and within the community - it is not secret or confidential.

The complaint was made to the City Administrator rather than Chief Carter because it was well known at that time Chief Carter had a close personal relationship with the Officer. The close personal relationship, coupled with the business relationship, should have caused the Chief to completely remove himself from any involvement in the investigation; however, Chief Carter did not recuse himself from any and all involvement in his friend and business partner's investigation. Instead, Chief Carter ignored the most basic ethical and professional standards and insured he stayed well informed of the progress of the investigation.

After the investigation was completed and discipline was imposed, Chief Carter issued a written directive to all Department personnel threatening us with termination if we discussed the investigation with anyone – on or off duty.

The order was bullying and self-serving and clearly intended to protect his friends and business partners (and their business) from the harm and embarrassment that would obviously occur should such

unbelievable misconduct by a Law Enforcement Supervisor become public. The order was also clearly illegal and violated the 1st Amendment rights of all the employees at the Department.

The Chief's order is just one of many examples of his bullying demeanor towards Officers.

Chief Carter is involved in a business called Sierra Tactical Training and Active Response Resources (STTARR). The company website (STTARR.net) lists Councilman Joe Peci as CEO and "Senior Instructor". Chief Carter is listed as an instructor, as is Officer Danny Nolan. Officer Danny Nolan's bio stated as recently as today, September 16, 2015, "**Dan currently serves as a Sergeant at the Bishop Police Department**". In fact, Danny Nolan has not served as a Sergeant with the Department since December, 2014. The company regularly updates its website regarding their training schedule, and we find it incredible a misrepresentation such as this has not been corrected in the last 9 months, and can only believe that misrepresentation was intentional and not an oversight.

Recently two on duty Officers were in the Bishop Police Department dispatch center. The on duty probationary Dispatcher was updating the STTARR.net website. The Dispatcher told the Officers he was updating the STTARR.net website at the direction of Chief Carter. The Dispatcher stated Councilman Peci had asked Chief Carter to have him (the Dispatcher) update the website. Utilizing on duty subordinate Police Department personnel and City computer systems to augment him and his partners' private business venture could be viewed as time card fraud or even embezzlement of City resources.

Chief Carter has also consistently demonstrated favoritism and given special treatment towards his friend and business partner. Several additional examples, though by no means all, follow;

Councilman Peci, Chief Carter and Officer Nolan (a Sergeant at that time) all work in a paid capacity as instructors at the Cerro Coso Community College Reserve Police Officers Academy. Chief Carter allowed Officer Nolan to teach classes at the Bishop campus during his regularly scheduled patrol shifts. The college campus is located 4 miles outside the City of Bishop. Officer Nolan would come to the Police Department, don his uniform and equipment and then drive his patrol vehicle to the campus. Officer Nolan was compensated by Cerro Coso Community College while teaching, allegedly using vacation time during the hours he was teaching. Officer Nolan was to be available during his teaching time to respond to calls for service in his capacity as a Sergeant (at that time) with the Department. Chief Carter, in allowing and encouraging his friend and subordinate to earn a second paycheck in this manner, took away taxpayer funded Law Enforcement assets from the citizens of Bishop. Often times the other Officer on duty was alone and Officer Nolan's response time to an emergency would obviously have been significantly delayed, i.e., receive the radio call, get to his patrol vehicle and drive the 4 miles just to get back into the City limits - let's just say for the sake of argument a response time that should have taken perhaps 2 minutes would now have taken Officer Nolan no less than 6 minutes, and more than likely longer, placing the other Officer/s and citizens at greater risk.

If Officer Nolan's presence at the academy class was so crucial, an Officer should have been called in on overtime to provide the necessary coverage to the City and its citizens while Officer Nolan was teaching. The Officer Safety issues and increased risk to our citizens that could have resulted from such cronyism were completely unnecessary and astoundingly unfair to the Officer/s on duty and the citizens we are sworn to protect and serve; not to mention the use of a City owned vehicle to travel to a second job at taxpayer expense is highly questionable at best.

Chief Carter and Officer Nolan are Department range masters and defensive tactics instructors. **The Department has not had a qualification shoot or defensive tactics training since November, 2014.** Per the Bishop Police Department Policy, all sworn personnel are required to qualify quarterly with their duty weapon on an approved range course. Shooting is an extremely perishable skill. The lack of continuing firearms training raises liability issues for the Department and the City, endangers Officer Safety and potentially jeopardizes the safety of the public.

Chief Carter and Officer Nolan have given firearms training through their second (or third?) jobs as instructors at the reserve police academy as well as to paying civilians by way of STTARR. Given the current climate and challenges facing Law Enforcement today this training "oversight" is beyond the pale and we believe constitutes negligence and dereliction of duty on the part of Chief Carter.

Chief Carter has taken over all work scheduling at the Department. In that capacity he has manipulated and changed the patrol schedule to accommodate Officer Nolan's outside employment needs either with Cerro Coso Community College, STTARR or coaching football at BUHS. Officer Nolan has also been the recipient of overtime that was not offered to any other Officers. On numerous occasions supervisors and Officers have told the Chief his blatant favoritism and unfair scheduling practices would negatively affect morale and cause other serious problems. At one point during such a discussion, Chief Carter, referring to Officers who were upset about the schedule, told a supervisor, "If they think they are going to dictate to me how I treat Danny Nolan they can kiss my redneck ass."

In other instances where Officers have tried to express concerns about morale or policy issues, the Chief has told the Officers, "If you don't like working here there are five f--king exit doors, pick one." He once told supervisors at a staff meeting that if any Officers weren't happy with the schedule they "should go sell f--king shoes at Kmart." Chief Carter has also bragged in the station in front of Officers, "It's good to be king." These statements demonstrate arrogance and a lack of respect for the opinions and concerns of his employees, not to mention breed a hostile work environment.

Chief Carter has interjected himself into several internal affairs investigations in highly questionable, inappropriate and unethical ways. In one case, the Chief himself wrote the internal affairs investigation report because the investigating supervisor's report was so poorly written.

In another instance, Chief Carter assigned Officer Nolan and another Officer to a drug detail. Incredibly, no other supervisors, including now retired Lieutenant Fred Gomez were informed of the operation. It was not until one of the Department's Sergeants made a traffic stop on the unmarked vehicle Officer Nolan and the other Officer were riding in that the operation came to light. Chief Carter's handling of that situation raised serious concerns about Officer Safety as well as the chain of command. Chief Carter routinely excludes supervisors from his decision making and instead turns to his "supporters", who are subordinate to the Department's supervisors, for affirmation of his decisions. The chain of command is non-existent, and has been for some time.

Chief Carter wrote an Officer a commendation several months ago for his excellent work seizing a large amount of illegal narcotics (May 3, 2015). The commendation cited the Officer's role and that of his canine partner. Had Chief Carter actually read the Officer's report, or even his own Department's press release, he would have known another Officer located the narcotics and not the canine. Chief Carter even incorrectly advised the City Council on May 11, 2015, that the canine was brought in and alerted

on the narcotics. It was in fact another Officer who located the drugs, as the Officer's report clearly stated. That Officer has never received any recognition for his outstanding work in this case.

Months ago, an Officer was told by Chief Carter he was the recipient of a letter from Inyo County District Attorney Tom Hardy commending the Officer for his outstanding work on a child molestation case. Chief Carter told the Officer he would forward the letter to him. The Officer has never received the letter.

Failing to recognize good Officers for their outstanding work is a basic failure of leadership.

Chief Carter recently put out a message stating he, along with Mayor Gardner, Councilman Peci and City Administrator Tatum would be conducting interviews and selecting the next Lieutenant for the Department. We believe Chief Carter's participation in the selection process is inappropriate given the current problems and climate at the Department.

Chief Carter has publicly stated numerous times he was preparing one particular Officer to become the Department's next Lieutenant after the retirement of Lieutenant Fred Gomez. That Officer was selected by Chief Carter to attend several high profile and highly desirable schools, including the FBI National Academy. Given the recent conduct of this Officer the Chief was personally grooming for promotion we believe Chief Carter has demonstrated his judgement of character is at the very least questionable, and therefore he should not be involved in any way in the selection of either the next Lieutenant or Chief. Those decisions will have a major impact on the Department for years to come. Hiring and promotions should not be influenced by someone whose own judgement of leadership ability, professional conduct and ethics has been shown to be so flawed.

The recent promotional process for the Department's next Sergeant was also rife with controversy. The process had been agreed upon by all potential applicants but was then perverted by Chief Carter. Officers were given conflicting information in individual interviews with the Chief. The Chief went so far as to delay the announcement of his choice for promotion after other Officers raised questions about that Officer's honesty and integrity. To our disbelief, Chief Carter promoted this Officer to the position of Sergeant anyway.

On Wednesday, September 16, 2015, Chief Carter appointed two Officers as "Acting Sergeants". Unbelievably, Officer Danny Nolan was one of the appointees. Less than one year ago, then Sergeant Nolan demonstrated his complete and utter lack of ethics, integrity, professionalism and leadership ability when he engaged in the conduct outlined earlier in this letter. The undersigned Officers find it reprehensible that the Chief, although having four other viable candidates, who all exude integrity, morality, ethics, leadership ability and common sense, chose Officer Nolan over the others to help lead and direct the Department.

It is unprecedented that someone so recently demoted would be reappointed after such a short period of time to the position from which he was just removed. This decision is further evidence of the Chief's complete and utter disregard for the morale, professional reputation and efficient running of this Department.

We would add the Chief told some of the undersigned Officers he would not promote Officer Nolan when opposition to him even being able to participate in the recent promotion process was voiced. Chief Carter further stated to some of the undersigned Officers that he (the Chief) told Officer Nolan he

would not promote him. City Administrator Tatum also told several undersigned Officers he would not allow Officer Nolan to be promoted given his past conduct. What should we believe now? What message does this send to the Officers who exhibit ethical, moral and professional behavior in the service of the public?

We believe our community has a right to be served by honest, ethical and professional Officers. Chief Carter's actions and decisions undermine the good order and discipline of our Department and lower its professional reputation and standing.

Several of the undersigned have also made the problems at the Department known to the City Administrator on numerous occasions. He has failed to act. More recently, the City Administrator chose to ignore lies and false statements made by a Department employee (and supporter of Chief Carter) against an Officer in an internal affairs investigation. The City Administrator admitted several times he knew the statements were false. He took no action against the dishonest employee. Instead, referring to the lies, the City Administrator questioned, "What difference does it make?" When a formal complaint was made to the City Council regarding the false statements, the City Attorney "reviewed" the matter and found no basis for further action. The City Attorney's review of the matter did NOT include speaking to the Officer who made the complaint, nor to the second Officer who was present when the City Administrator made his statements.

We can assure the citizens of Bishop that those of us who have placed our signatures at the bottom of this letter are fully aware the difference the TRUTH makes. That is why we do what we do – for the citizens, our families and ourselves.

To be clear, we do not begrudge Chief Carter for his secondary or tertiary employment, nor his friends and business partners associated with that employment. But we completely object when that employment takes priority over what we believe is his primary job – being the Chief of Police for the City of Bishop. We no longer believe Chief Carter values his role as Chief. The City and the Department are no longer his top priority. His conduct in the last year alone has clearly borne that out.

Even children understand that when cancer is discovered it must be aggressively treated and rapidly removed. The Bishop Police Department has a cancer. That cancer is CRONYISM in the form of Chief Carter's unfair, unethical, hostile and retaliatory leadership.

The dismal morale and complete distrust of Chief Carter and his supporters have resulted in a serious reduction in Officer initiated activity and pro-active policing. The patrol statistics readily bear that out. Any citizen with a scanner should have noticed a reduction in radio traffic in at least the past year as Officers, out of distrust and fear of retaliation, look to "watch their backs". Unfortunately, when good Officers are looking over their shoulders at an unsupportive Chief, they spend less time seeking out the undesirable elements in our community. Chief Carter's administration does a grave disservice to the City's Officers and more especially to the public those Officers are committed to and have sworn to protect.

Respectfully Submitted,

Brent Gillespie, Police Officer, Badge #444

 #444

Mark Gutierrez, Police Officer, Badge #493

 #493

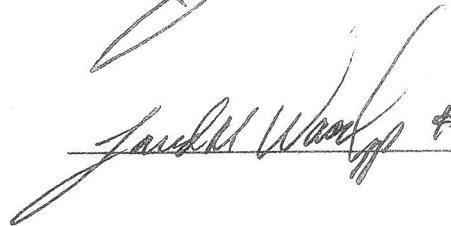
Doug Mairs, Police Sergeant, Badge #455

 #455

David Jepson, Police Sergeant, Badge #456

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Jared Waasdorp, Police Detective, Badge #546

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Bryan Rossy, Police Officer, Badge #470

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Mike Mairs, Police Officer, Acting Sergeant, Badge #499

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