

**Civil Service Commission**  
**Thursday, October 15, 2020 8:30 a.m.**  
**Friday, October 16, 2020 8:30 a.m.**  
**Electronic Meeting**  
**Zoom Meeting Platform**

**Electronic Meeting**  
*(Pursuant to Iowa Code section 21.8)*

An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

You can participate in the meeting and can comment on an agenda item by going to [https://zoom.us/meeting/register/tJlrdeutr4vGNxCzqg\\_0ukMailozUfpRIqc](https://zoom.us/meeting/register/tJlrdeutr4vGNxCzqg_0ukMailozUfpRIqc) via the internet to visit the Zoom meeting's registration page and submit the required information. Once approved, you will receive an email message with a link to join the meeting. If you are asked for a meeting or webinar ID, enter the ID number found in the email. A meeting password may also be included in the email. Enter the password when prompted.

If you have no computer or smartphone, or a computer without a microphone, you may call in by telephone by dialing (312) 626-6799. When prompted, enter the meeting or webinar ID: 966 2251 5528. Once connected, you may dial \*9 to "raise your hand," letting the meeting host know you would like to speak. Providing comments in person is not an option.

**Notice of Hearing**  
**Before the Civil Service Commission for Iowa City, Iowa**  
**In re: The Termination of Police Officer Terry Tack**

*If you will need disability-related accommodations in order to participate in this program/event, please contact Karen Jennings, Human Resources at 319-356-5025 or [karen-jennings@iowa-city.org](mailto:karen-jennings@iowa-city.org). Early requests are strongly encouraged to allow sufficient time to meet your access needs.*

BEFORE THE CIVIL SERVICE COMMISSION  
IOWA CITY, IOWA

IN RE: )  
          ) Case No.  
APPEAL OF TERRY TACK )  
          ) NOTICE OF APPEAL  
          )  
          )

Terry Tack, by and through the undersigned counsel, hereby appeals his termination of employment by the Iowa City Police Department, dated on or about January 21, 2020, because said termination lacked proper cause, lacked sufficient grounds, is arbitrary, capricious, and/or unreasonable, is inconsistent with Iowa Code Chapter 80F (2019), the Americans with Disabilities Act, due process, and his other procedural and substantive rights afforded by law. Mr. Tack reserves the right to amend or otherwise modify his notice of appeal at a later date.

WHEREFORE, Terry Tack requests the Commission to reverse his termination, after an opportunity to be heard, and any other relief available.



Terry Tack

SMITH MILLS  
SCHROCK BLADES P.C.



Skylar J. Limkemann AT0012324  
118 3<sup>rd</sup> Ave SE, Suite 200  
P. O. Box 36  
Cedar Rapids, IA 52406-0036  
Telephone: (319) 286-1743  
Fax: (319) 286-1748  
Email: [slimkemann@smithmillslaw.com](mailto:slimkemann@smithmillslaw.com)  
ATTORNEY FOR TERRY TACK

2/4/2020

cc: Personnel  
CA  
Police

RECEIVED - CIVIL SERVICE DIVISION  
IOWA CITY  
FEB 11 2020  
11:57

BEFORE THE CIVIL SERVICE COMMISSION FOR IOWA CITY, IOWA

IN RE:  
THE DISCIPLINARY DISCHARGE OF  
OFFICER TERRY TACK

APPELLANT

v.

CITY OF IOWA CITY, IOWA,  
IOWA CITY POLICE DEPARTMENT, and  
JODY MATHERLY, POLICE CHIEF,

APPELLEES

CITY'S SPECIFICATION OF CHARGES

RECEIVED - CIVIL SERVICE  
IOWA CITY, IOWA  
FEB 5 2019

COMES NOW the City of Iowa City, Iowa, the Iowa City Police Department and Jody Matherly, Police Chief, Appellees in the above-referenced matter, and hereby specify the charges and grounds upon which Officer Terry Tack (hereinafter, "Officer Tack") was terminated, summarizing as follows:

1. Officer Tack, while off duty, spent the afternoon and evening hours of November 24, 2019 consuming alcohol at three local bars. After consuming alcohol to the point of intoxication, he chose to drive his vehicle home. While driving, he hit a utility pole at approximately 10:05 p.m. The collision caused significant damage to both the utility pole and his vehicle.
2. Officer Tack then backed his vehicle away from the pole, back onto the street, and fled the scene as neighbors exited their homes to investigate the crash. He did not leave his contact information or otherwise contact the owner of the utility pole about the damage he had caused.
3. The next day Officer Tack called fellow Iowa City Police Officer Ian Alke and requested that Officer Alke assist by writing up an accident report, saying, "I need your help. I hit something with my car." Officer Alke asked Officer Tack if he had hit a person the night before. Officer Tack responded that he had not.
4. Officer Alke, who was on duty, met Officer Tack, who was off duty, at a location near 500 S. Governor. Officer Tack reported to Officer Alke that he had found a piece of his bumper near that location, and that he had hit a large rock adjacent to the roadway. Officer Tack asked Officer Alke to prepare an accident report. Damage to Officer Tack's vehicle totaled approximately \$7,000 according to Abra Auto Body shop.
5. Although there was significant damage to Officer Tack's vehicle, with much of his front bumper assembly and neighboring parts missing, none of the missing parts were found next to the rock. Nor was there any disturbance to the leaves present near the rock, or obvious evidence that the rock had been recently struck or disturbed.
6. Officer Alke told Officer Tack that he would do the report for him and mentioned that "they are going to ask why you waited until now", to which Officer Tack responded, "he didn't need to". Officer Alke recalled Officer Tack saying that he didn't need to report the collision right away because it was a property damage collision and nobody was hurt.

7. Officer Alke completed the report, indicating Officer Tack had struck the rock (not the pole), and submitted it at the police department, calling it to the attention of Lt. Kevin Heick. Officer Alke does not normally call accident reports to the attention of his Lt., but considered this report a "big deal."
8. Lt. Heick reviewed calls for service from the prior night, went to the scene of the rock, and the scene of the utility pole, and found an abundance of wreck debris at the utility pole consistent with Officer Tack's vehicle, and the damage it had sustained. Lt. Heick reported the matter to Chief Matherly, Captain Bill Campbell, and Lt. Zach Diersen.
9. Lt. Diersen spoke with Officer Tack via telephone call to follow up. In that call, Officer Tack reported that he had looked down, veered off the road, and struck the rock on S. Governor.
10. The Iowa State Patrol was brought in to do their own investigation, given the circumstances. They confirmed that Officer Tack had struck the utility pole, not the rock, and charged him with Striking Fixtures Upon a Highway. Officer Tack has since pleaded guilty to that charge.
11. Upon being interviewed, Officer Tack stated that he did not remember being at the third bar, how he got home, or what he hit with his vehicle. When asked whether he didn't remember as a result of medication or any medical condition, he answered no. He acknowledged he did not remember details of the evening because of the alcohol he had consumed.
12. Officer Tack drove his vehicle home in a state of such intoxication that he did not remember much of the evening, including matters that would be memorable, like striking a utility pole head-on. Operating While Intoxicated is a violation of Iowa Code section 321J.2, and poses a significant danger to the public.
13. Officer Tack did not act with the integrity required of police officers. He told Officer Alke several times that he did not remember what he struck yet said he knew he did not hit a person. Officer Tack also told Officer Alke that if asked why he waited to report it, his response would be he didn't need to report it right away because it was only property damage and nobody was hurt. He then told Lt. Diersen that he looked down, veered off the road, and struck the rock on S. Governor. He then told Trooper Snedden that he did not remember what he hit or where. Officer Tack did not hit the rock. It is not consistent for Officer Tack to remember not hitting a person while at the same time not remembering what he hit or where, yet then give a different detailed version of the crash to a supervisor. At least one of Officer Tack's statements was false.
14. Under *Giglio v. United States* (405 U.S. 150 (1972)) and its progeny, a lack integrity on the part of a police officer (or other prosecution witnesses) results in an obligation of prosecuting attorneys to disclose the lack of integrity to defense counsel, who may use that lack of integrity to attack the credibility of the police officer. Johnson County Attorney Janet Lyness discussed this matter with Chief Matherly, and confirmed there would be *Giglio* issues with Officer Tack should he remain employed as a peace officer.
15. The ICPD's internal affairs investigation concluded that Officer Tack violated numerous ICPD Rules and Regulations, as follows:
  - a. **ICPD RULES AND REGULATIONS – 305 – OBEDIENCE TO LAWS AND REGULATIONS:** Officer Tack spent the afternoon and evening of November 24, 2019 consuming alcohol at three local bars. After consuming alcohol to the point of intoxication he chose to drive his vehicle, striking a utility pole on his way

home. His level of intoxication caused his memory of portions of the day and the drive home to be vague or non-existent. Officer Tack drove his vehicle in violation of Iowa Code 321J.2, Operating While Intoxicated.

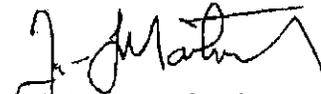
- b. **ICPD RULES AND REGULATIONS – 310.02 – DEPARTMENT:** Officer Tack drank to the point of intoxication on November 24, 2019 and was involved in a crash while driving home. The Iowa City Police Department takes enforcement of laws affecting the safety of the public very seriously and in particular the laws regarding Operating While Intoxicated.
- c. **ICPD RULES AND REGULATIONS – 310.05 – INTEGRITY:** On the day of the report Tack told Alke he didn't hit a person but then stated he didn't remember what happened. During his interview for this investigation and when speaking with Trooper Snedden Tack maintained he doesn't remember what he hit or where. But, when speaking with Lt. Diersen he said he looked down, veered and struck the rock on Governor. When confronted with information which pointed to him as the person who struck the pole on E. Benton Street, he acknowledged it was likely him.
- d. **ICPD RULES AND REGULATIONS – 310.06 – RESPECT FOR THE LAW:** Officer Tack drank to the point of intoxication and then drove his vehicle in that condition, violating the law.

16. In so doing, Officer Tack also violated Iowa City Personnel Policies as follows:

- a. **City of Iowa City Personnel Policies Section 8.2(c),** "Violation of City policies including but not limited to Personnel policies, Administrative Regulations, the City of Iowa City's Substance Abuse Policy, and/or the City's Drug and Alcohol Policy; violation of departmental rules, or any other rules, policies, or regulations issued by the City."
- b. **City of Iowa City Personnel Policies Section 8.2(l),** "Lying or providing false or inaccurate information, either verbally or in writing;..."
- c. **City of Iowa City Personnel Policies Section 8.2(q),** "Illegal activities and/or conviction of a crime that is closely or directly related to the ability of employees to perform their job effectively or is otherwise job related..."

On January 21, 2020, Officer Tack was discharged from employment with the Iowa City Police Department for misconduct based on the above.

Respectfully submitted,

  
Jody Matherty, Chief  
Iowa City Police Department

Original: Iowa City City Clerk  
copy: Skylar Limkemann  
Attorney for Appellant

2020 FEB -6 PM 5:57  
CITY CLERK  
CITY OF IOWA