

# **Citizens Advisory Panel for the Washington Association of Sheriffs and Police Chiefs (“WASPC”) Investigation**

## **Report and Recommendations**

To those outside of the Tacoma Police Department, Tacoma City Government, and select friends and family, the Brame murder/suicide began in the parking lot of a Gig Harbor strip mall on April 26, 2003 when Tacoma Police Chief David Brame, 44, shot his 35-year-old wife and then committed suicide as the couple's two young children sat in his car a few parking spaces away. What many people did not understand were the events leading up to this tragedy.

As a result, four investigations have been conducted. The first, intended to determine the efficacy of the City’s hiring and promotion policies and whether any “cultural” issues may have contributed to the events of April 26, 2003, was contracted by the Tacoma City Council to the Washington Association of Sheriffs and Police Chiefs (WASPC). The second investigation was conducted by the Washington State Patrol (WSP) at the request of Pierce County Prosecutor Gerald Horne to determine whether any crimes had been committed by employees reporting to David Brame. The WSP also conducted the third investigation, focusing on unethical or unprofessional behavior within the command structure of the Tacoma Police Department, this time at the request of Washington State Attorney General, Christine Gregoire. As of the date of this report, the results of this investigation have not been made public. A fourth investigation, by the Federal Bureau of Investigation (FBI), focused on possible federal criminal activities and was also requested by the Washington State Attorney General’s Office. No information about this investigation has been made public.

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On May 3, 2003, Resolution #35844 of the Tacoma City Council laid the groundwork for the WASPC investigation. Specifically, WASPC was directed to conduct a “thoroughgoing, no-holds-barred” investigation into the following:

- a) The hiring of David Brame as a police recruit.
- b) The 21-year career of David Brame with the Tacoma Police Department, including promotions and assignments.
- c) The personal conduct of David Brame on and off duty as it relates to the high standards that Tacoma Police Officers are required to maintain in their personal and professional lives. This includes the allegations regarding marital relations.
- d) The Tacoma Police Department’s policies and practices related to hiring, promotion, discipline and record keeping.
- e) Who had information including the City Manager on the issues surrounding David Brame, when they knew it and what they did with it (sic).
- f) Any other matters which the team’s investigators determine are appropriate and relevant to the overall purposes of this investigation.
- g) WASPC will provide a written report to the Council detailing the findings of the investigation including any conclusions and recommendations by WASPC.

*WASPC Report, page 1.*

Recognizing the desire of Tacoma’s citizens for an active role in the administrative review process, the Tacoma City Council created the Citizens Advisory Panel, comprised of various neighborhood, ethnic and other groups impacted by the events of April 26, 2003.

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The Citizens Advisory Panel was established by Resolution #35862 of the Tacoma City Council on May 20, 2003. See Exhibit "A". The express desire of the Tacoma City Council was to involve the community as much as possible, draw on their expertise, facilitate feedback and ultimately maintain trust in the process. See Exhibit "B". The objectives for the group were as follows:

“The Citizens Advisory Panel will carry out its purpose by doing the following:

\*Providing names of potential non-law enforcement experts to the WASPC investigators as requested. Requests will be communicated through the panel facilitator.

\*Providing any input into how the investigation may be conducted to the City Council Liaison, Douglas Aukland, until the conclusion of the investigation period.

\*Sharing the results of the investigation with various organizations and community members and gathering input to share with the Citizens Advisory Panel.

\*Reporting back to the City Council at an open public meeting on its recommendations on factors to consider when responding to the results of the WASPC investigation”.

See Exhibit "B"

On July 1, 2003, after consultation with each community based organization, Tacoma City Council Resolution #35892 was adopted. The Resolution appointed the following individuals to the Citizens Advisory Panel:

West End Neighborhood Council	-	Co-Chair Ginny Eberhardt
Centro Latino SER	-	Co-Chair George Hermosillo
Washington State Coalition Against Domestic Violence	-	Connie Brown*
Black Collective	-	Dr. Anthony Clarke
ENACT (Neighborhood Council)	-	Jesse Hart, Jr.,
Tacoma-Pierce County Bar Association	-	Karena Kirkendoll

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South Tacoma Neighborhood Council	-	Bruce Petersen
Tacoma-Pierce County Chamber of Commerce	-	Sondra Purcell
Municipal League of Tacoma	-	Sally Salzberg
League of Women Voters	-	Kathleen Sommers
New Tacoma Neighborhood Council	-	Ruth Swanson
Asian Forum	-	Dr. George Tanbara
National Organization for Women	-	Linda Tosti-Lane
North End Neighborhood Council	-	Chris Webster
Northeast Tacoma Neighborhood Council	-	Marion Weed
Tacoma United for Fairness	-	William Whelan
South Puget Sound Chapter of the Society of Human Resource Management	-	Janice Tuman
Associated Ministries	-	Rev. Joseph Nixon**
Central Neighborhood Council	-	Jon Abels**
South End Neighborhood Council	-	Kevin Newberg**
Pierce County Central Labor Council	-	Vance Lelli***

\*replaced Anita Chakravarti Hale

\*\*resigned

\*\*\*did not regularly attend meetings

Richard Hunter Nickell, a volunteer community member with a background in group process and law enforcement agency work, was appointed by the Interim City Manager, James Walton, to facilitate the Citizens Advisory Panel meetings. Staff member Mary Morrison, Quality Office, was assigned by the Interim City Manager to assist the group, and Douglas Auckland was appointed as the Tacoma City Council / WASPC liaison. Mr. Auckland resigned June 11, 2004.

In the weeks after WASPC began their investigation, it became apparent that the possibility of criminal misconduct existed with respect to some of the issues under investigation.

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As a result, the WASPC investigation was suspended pending completion of the initial WSP criminal investigation.

On August 13, 2003, the Citizens Advisory Panel held its first meeting. The initial meeting was to discuss expectations for the panel's work. Subsequent meetings identified issues that the group expected the WASPC report to address.

Throughout the fall of 2003 and 2004, the Citizens Advisory Panel continued to meet regularly, committed to our task. Various WASPC team members, including Kitsap County Prosecuting Attorney, Russ Hauge, legal advisor to WASPC, were invited to address the Citizens Advisory Panel. After meeting with Mr. Hauge, the Citizens Advisory Panel developed a list of issues and questions that they anticipated the WASPC report would address:

- \* Identification of contributing factors leading up to the April 26, 2003 events.
- \* Identification and clarification of hiring policies and whether they were followed when David Brame was hired in 1981.
- \* Clarification of David Brame's psychological testing process.
- \* Are TPD psychological records routinely destroyed?
- \* Are psychological evaluations given to applicants for the position of Police Chief?
- \* Identification of any outside factors (family members, political, etc.) in David Brame's initial hiring.
- \* Review of David Brame's promotion history.
- \* Examination of whether union contract provisions protected David Brame.
- \* Consideration of any outside pressures (i.e., funding concerns, a need to fill academy slots, an urgency for new hires, etc.) that impacted the decision to hire David Brame.

- \* Who had knowledge of David Brame's failed psychological evaluations?
- \* What impact did the knowledge of David Brame's failed psychological evaluations have?
- \* Did any misconduct take place during Brame's probationary period?
- \* What complaints, if any, were lodged against David Brame during his career and how were they handled?
- \* What police department best practices can be identified by WASPC that are not currently being used by the TPD?
- \* How did David Brame rise through the ranks of the TPD and maintain his position and power given his failed initial psychological exam, rape accusation, domestic violence, and sexual harassment allegations? What elevated him above his peers?
- \* Did an investigation of the alleged rape ever occur?
- \* Were existing TPD reference check procedures ignored during Brame's promotion to Chief?
- \* Did Human Resources have any input into David Brame's promotion to Police Chief?
- \* Will WASPC report contain recommendations?
- \* Prior to April 26, 2003, were any recommendations made to place David Brame on Administrative Leave? If so, were they ignored?

*It was our understanding that these questions would be posed to WASPC and answered in their report. This did not prove to be the case.*

At the December 10, 2003, Citizens Advisory Panel meeting, Bellingham Police Chief and WASPC board member Randy Carroll, informed the group that the WASPC investigation had been narrowed to a focus on the hiring, promotion, and appointment of David Brame. At

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this time, we also learned that the WSP was conducting a separate internal review and audit of the Tacoma Police Department (as requested by the Attorney General's Office).

At the January 14, 2004, Citizens Advisory Panel meeting, a letter was drafted to the Tacoma City Council expressing the Panel's concern regarding the narrowed scope of the WASPC investigation. *See Exhibit "C"*.

On February 17, 2004, the Panel received a response from Mayor Baarsma. While failing to specifically address the significantly narrowed scope of the investigation, the letter stated, ". . . that the purpose of the panel was and is to analyze the results of the WASPC administrative investigation into the career of David Brame and to identify potential recommendations. The Panel may also provide recommendations for outside experts on matters unrelated to law enforcement to aid the WASPC investigators, at their request. The WASPC investigation will encompass the hiring, assignments, promotions, and conduct of David Brame. *The investigators will also look into the Police Department's policies and practices related to hiring, promotion, discipline, record keeping, and the conduct of other City personnel regarding decisions and issues surrounding David Brame*". *See Exhibit "D"*.

The 'WASPC Review of the Hiring, Promotions, and Appointment to Chief of David Brame to the Tacoma Police Department', was released May 7, 2004, ten (10) months after the Citizens Advisory Panel was convened. WASPC's findings were delivered at a special meeting of the Tacoma City Council. For the first time, the Citizens Advisory Panel became aware that the scope of the WASPC investigation had been narrowed even more significantly than suggested in Mayor Baarsma's letter.

The WASPC Case Overview stated:

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“The City of Tacoma has requested the Washington Association of Sheriffs and Police Chiefs (WASPC) conduct an administrative investigation of the original hiring, subsequent promotions and eventual appointment of David Brame as Chief of Tacoma Police Department. The investigation is to be narrowly focused on the people, the policies, the procedures and practices involved in these Human Resource actions. The investigative review that is documented in the following pages of this report has therefore been focused on the following:

1. What were the policies, procedures and practices in place in the City of Tacoma and the Tacoma Police Department at the time of David Brame’s initial hiring, during his various promotions, and at the time of his appointment to Chief of Police?
2. Were those policies, procedures and practices consistent with the standards in the police profession?
3. Were those policies, procedures and practices followed consistently during David Brame’s career?
4. At any point, were the policies, procedures or practices improperly manipulated by David Brame or any other employee involved in David Brame’s hiring, promotions, or appointment to Chief of Police?”

*WASPC Report pages 2 and 3.*

From the “thoroughgoing, no-holds-barred investigation” directed by the May 2003, Resolution #35844, the task of the WASPC investigation had been narrowed to the four questions set forth above.

The WASPC Case Overview also stated, “It was further determined that the Washington State Patrol would assume responsibility for the administrative investigation with respect to specific allegations of misconduct that had arisen during the criminal investigation”. It is the fervent hope of the Citizens Advisory Panel that the findings of this investigation, which have yet to be released to the public, will address the many questions left unanswered by the WASPC Report.

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On June 8, 2004, the Citizens Advisory Panel co-chair, Ginny Eberhardt, attended a study session for the Tacoma City Council to discuss the Panel's proposed resolution to extend the four week deadline for review of the WASPC report. Due to the volume of work required to thoroughly review the 1,500 pages of material and produce our final report and recommendations, Ms. Eberhardt proposed an October 1, 2004 date, which was subsequently approved.

After voluntarily meeting for fourteen (14) months, reading and rereading, deliberating, debating, and sometimes agreeing to disagree, this report reflects the collective opinion of the Citizens Advisory Panel on the information we have reviewed and our recommendations for the "next steps to respond to the WASPC investigation findings" as directed by Tacoma City Council Resolution #35862. We preface our findings with the following Statement of Beliefs:

- We must send a message to our children, our community and our nation that the scourge of domestic violence is trivialized and public trust is diminished if public employees and elected officials, themselves, are not held to highest standards of personal accountability.
- A culture of intimidation and fear existed and flourished in the Tacoma Police Department due to, ineffective policies and leadership, misuse of authority, and a failure by those in command to enforce then existing policies designed to maintain professionalism and order. Cliques, secrecy, favoritism and intimidation determined career advancement and existed to an unacceptable degree in the daily practices of the Tacoma Police Department.
- The majority of our police department personnel, both uniformed and non-uniformed, are honest and dedicated employees. Nevertheless, every employee who knew of the

ongoing unprofessional conduct of members of the Tacoma Police Department, but chose to look the other way, contributed to the dysfunctional culture that existed.

The Citizens Advisory Panel thoroughly reviewed the evidence presented and sought to uncover the good while dealing with the bad. For example, Sergeant David Fischer showed both professionalism and courage in 1996 by going beyond standard procedures to ensure Crystal Brame's safety following a '911' call from her. It is this kind of dedication to duty that we choose to celebrate in the aftermath of the Brame tragedy. We also commend the City of Tacoma for the adoption and enforcement of new domestic violence policies.

Our recommendations are summarized below in seven (7) categories: Files; Criminal Allegations; Anonymous Hotline; Internal Affairs; Human Resources; Tacoma Police Department Management and Citizen Oversight.

### **Files**

The Citizens Advisory Panel recommends that Tacoma Police Department adhere to the Washington State file retention standard, which is termination of employment plus six (6) years.

The Citizens Advisory Panel recommends that all employee files be kept in a central location.

The Citizens Advisory Panel recommends that specific policies regarding records management be developed and implemented.

The Citizens Advisory Panel recommends that Internal Affairs investigative materials, whether allegations are sustained or not sustained, be maintained in personnel files.

### **Criminal Allegations Made Against Police Officers**

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The Citizens Advisory Panel recommends that all criminal allegations involving a police officer, no matter how minor, be referred to the Chief of Police for immediate outsourcing to another agency (WSP, Prosecuting Attorney's Office, or another law enforcement jurisdiction).

The Citizens Advisory Panel recommends that all criminal allegations involving the Chief of Police, no matter how minor, be referred to the City Manager for immediate outsourcing to another agency (WSP, Prosecuting Attorney's Office, or another law enforcement jurisdiction).

### **Anonymous Hotline**

The Citizens Advisory Panel recommends that an anonymous method to safely report issues involving suspected misconduct by police department members, both on and off duty be developed. A rotating review board or outside oversight group should evaluate the validity of all information received and make recommendations for appropriate action (for example, no action, referral to Internal Affairs or the Prosecuting Attorney's Office). Venues for anonymous reporting of suspected misconduct by police department members should be available to department employees.

### **Internal Affairs**

The Citizens Advisory Panel recommends that policies regarding the processing of internal evidence scenes (i.e., the accessibility of David Brame's office after the events of April 26, 2003) be developed, reviewed, updated, and strictly enforced.

### **Human Resources**

The Citizens Advisory Panel recommends that policies regarding personal fraternization and relationships between and among police department employees be reviewed, updated if necessary, and strictly enforced.

The Citizens Advisory Panel recommends review, updating if necessary, and strict enforcement of the City's policy regarding sexual harassment.

### **Tacoma Police Department Management**

The Citizens Advisory Panel recommends that the Tacoma Police Department review their policies regarding mandatory or imposed administrative leave with Human Resources and the City Attorney's Office. Policies regarding the roles and responsibilities of Human Resources and the City Attorney's Office in police department employee misconduct and imposition of administrative leave should be clarified, updated if necessary, communicated among all three departments, and strictly enforced.

The Citizens Advisory Panel recommends that the 2002 Tacoma Police Department Audit Results and Recommendations be implemented.

The Citizens Advisory Panel recommends that Tacoma Police Department employee evaluation forms be updated to include an area for written comments and suggestions for improvement rather than simply checked boxes.

The Citizens Advisory Panel recommends that policies regarding psychological examinations of police officers be reviewed, clarified and updated if necessary.

The Citizens Advisory Panel recommends that police officers be required to undergo psychological or other appropriate examinations upon hire, after any significant job-related occurrence, upon allegations of significant misconduct, substance abuse, or criminal activity including domestic violence, and routinely after every five (5) years of employment.

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The Citizens Advisory Panel recommends that a hiring checklist be developed and implemented to ensure consistency during the interview process. The checklist should accompany the applicant's file throughout the interview process, contain the dates and signatures of the parties conducting the interviews, and verify each stage of the hiring procedure. The checklist should permanently remain in the personnel file.

The Citizens Advisory Panel recommends that the Tacoma Police Department review the administration of testing for promotions to ensure confidentiality of all testing procedures and questions.

The Citizens Advisory Panel recommends that the Tacoma Police Department establish policies regarding reference checks for potential new hires or employees seeking promotion (for example, not one of David Brame's past immediate supervisors responded when contacted as references during his bid for Chief of Police), to include contact with any other law enforcement jurisdictions in which the candidate has applied, or previously been employed.

The Citizens Advisory Panel recommends that Tacoma Police Department management routinely review all union contract provisions with the City Manager and the Human Resources Director.

The Citizens Advisory Panel recommends that vacancies in the Police Department chain of command be avoided. Procedures to ensure timely filling of all positions should be developed and implemented.

### **Citizen Oversight**

The Citizens Advisory Panel recommends the development of a citizen oversight committee for the Tacoma Police Department to review policies, procedures and complaints.

## Conclusion

The Citizens Advisory Panel believes David Brame's leadership was the product of an organizational culture driven by personal power, loyalties and fear, which was self-perpetuating. While he didn't create the culture, he thrived and advanced in the environment of the Tacoma Police Department. Whether any of his career success can be attributed to favors or leverage is not clear from the investigative reports. By all accounts, he was an intelligent individual whose testing scores routinely surpassed those of his competition. That said, there is evidence of a culture or system within the Tacoma Police Department that rewarded people of power and punished those who bucked that system or refused to play along.

Citizens have the right to honest officials and a fair system. We are entitled to leaders with legitimate missions, high ethical standards and consistent accountability. Union contract provisions are not a substitute for solid managerial leadership. The union contracts must not be allowed to impede the implementation of best police procedures and practices. The WASPC investigation indicated a number of concerns with certain union contract provisions. For example, the destruction of disciplinary files after three (3) years, the refusal of the union to allow performance evaluations of certain police department employees, and the necessity of negotiating permitted questions to police department employees during the second WSP investigation.

The union should not make policy decisions that are the responsibility of the City. An inherent conflict of interest arises when they do so. In the relationship between the unions and the Tacoma Police Department, the balance may have shifted toward the surrender of too much authority to union leadership, thus impairing the effective operation of the police department.

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A troubling example of union contract power is embedded in the Brame case. David Brame was involved in the Local 26 negotiation that changed the rules regarding file retention so that potentially negative records in a Tacoma Police Department employee's personnel file would be destroyed after three (3) years. Because of that change alone, all records of the 1988 rape allegation made against David Brame had been destroyed by the time he applied for the position of Chief.

It is ultimately the responsibility of the City Manager to select the Chief of Police. Although the process used to examine candidates at the time that David Brame was hired seemed rigorous and open to public inspection, in retrospect it appears that the final hiring decision was made with little regard to that process. We believe that public input must be seriously considered in the hiring of a police chief. We also believe that a citizen oversight committee can play a crucial role in this process.

We have included a discussion of the culture of the Tacoma Police Department in the scope of our evaluation of the WASPC investigation because the report exposes grave leadership problems that will require high-level responsibility to solve. The prevailing culture promoted the growth of destructive behavior while allowing David Brame to attain extraordinary power.

Although the Panel expected the WASPC report to contain recommendations regarding Tacoma Police Department practices that did not conform to established standards and best practices of professional law enforcement, it did not. We urge our elected officials to implement the changes necessary to ensure that Tacoma Police Department management is held to the highest possible standard. An organization can develop all of the policies and procedures necessary to effectively run its business; however, policies and procedures are worthless if they are not implemented and enforced in a fair and consistent manner.

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The Citizens Advisory Panel had hoped that the outcome of the WASPC investigation and our many hours of work would lead to the rebuilding of trust in our City Government. We are disappointed that the WASPC investigation was limited and that many of our questions remain unanswered today.

We commend the Tacoma City Council for recognizing the importance of citizen review and input and we are proud to have been a part of this process. One step toward rebuilding trust will be the release of all findings to the public. *When the citizens of Tacoma perceive that there has been full disclosure, trust in our City Government will begin to be restored.*



**RESOLUTION NO. 35862**

1 BY REQUEST OF MAYOR BAARSMA, DEPUTY MAYOR MOSS, AND  
2 COUNCIL MEMBERS EVANS, LADENBURG, LONERGAN, MILLER, AND  
3 PHELPS

4 WHEREAS, pursuant to Resolution No. 35844, the City Council authorized  
5 a Memorandum of Understanding with the Washington Association of Sheriffs and  
6 Police Chiefs ("WASPC") for an investigation into the career of the late  
7 David Brame, and  
8

9 WHEREAS the City Council desires to create a Citizens Advisory Panel for  
10 the WASPC investigation in order to identify key community resources to assist as  
11 outside experts to the WASPC investigation as requested by investigators, and  
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13 WHEREAS the City Council desires the involvement and assistance of the  
14 Citizens Advisory Panel to gather community input on potential strategies to  
15 implement the findings at the conclusion of the WASPC investigation, and  
16

17 WHEREAS the City Council desires that the Citizens Advisory Panel consist  
18 of representatives from a wide cross-sector of the community to include the  
19 following organizations: representatives from the eight Neighborhood Councils  
20 (Tacoma's neighborhoods), Tacoma-Pierce County Chamber of Commerce  
21 (business), National Organization for Women (women) Tacoma-Pierce County  
22 Chapter, Washington State Commission Against Domestic Violence (domestic  
23 violence), Pierce County Central Labor Council (labor), Associated Ministries  
24 (faith-based), Centro Latino SER (Latino community), Tacoma-Pierce County  
25 Black Collective (African-American community), Asian Forum (Asian community),  
26



1 League of Women Voters (citizenship), Municipal League (good government),  
2 Tacoma-Pierce County Bar Association (legal), Pierce County Society for Human  
3 Resource Management (human resources), and Tacoma United for Fairness  
4 (gay/lesbian community), and

5 WHEREAS the City Council desires for citizens to have an open forum for  
6 discussion and offering feedback, the City Council will retain a non-City of Tacoma  
7 employee to act as professional facilitator for the Citizens Advisory Panel, and

8 WHEREAS Citizens Advisory Panel members would be responsible for  
9 keeping their individual organizations informed and to ensure that members of  
10 their organizations have opportunities to provide input through them to the Citizens  
11 Advisory Panel, and

12 WHEREAS the responsibilities of the Citizens Advisory Panel would end  
13 within four weeks following the conclusion of the WASPC investigation of the  
14 career of the late David Brame with a report back to the City Council at an open  
15 public meeting on its recommendations for next steps to respond to the WASPC  
16 investigation findings; Now, Therefore,  
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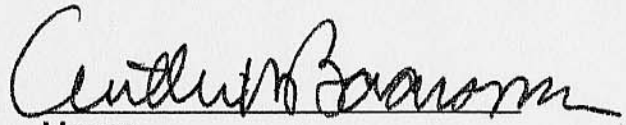
18 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:  
19

20 That there is hereby created a Citizens Advisory Panel for the Washington  
21 Association of Sheriffs and Police Chiefs ("WASPC") investigation, consisting of  
22 representatives as set forth herein, with the charter outlined in Exhibit "A,"  
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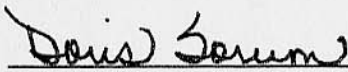


1 attached hereto and incorporated herein, for the purpose of facilitating input from  
 2 the community on the findings from the WASPC investigation of the career of the  
 3 late David Brame.

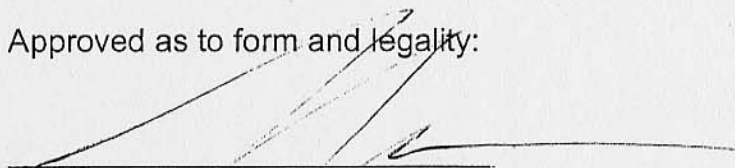
4 Adopted MAY 20 2003

6   
 7 Mayor

8 Attest:

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 10 City Clerk

11 Approved as to form and legality:

12   
 13 Assistant City Attorney  
 14



(Exhibit "A")

Charter of the Washington Association of Sheriffs and  
Police Chiefs Citizens Advisory Panel

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**Introduction and Intent:**

The citizens have openly and repeatedly expressed their interest in having an active role in the City Council-coordinated Washington Association of Sheriffs and Police Chiefs (WASPC) administrative review of the 21-year career of late Tacoma Police Chief David Brame. The City Council desires to involve the community as much as possible to draw on their expertise, facilitate feedback and ultimately maintain trust in the process.

**Purpose:**

The Citizens Advisory Panel will be an advisory body to the Tacoma City Council and the citizens of Tacoma. The panel will analyze the results of the WASPC administrative investigation into the career of David Brame to identify potential recommendations. The Citizens Advisory Panel may also provide recommendations for outside experts on matters unrelated to law enforcement to aid the WASPC investigators, at their request.

**Establishment:**

The Citizens Advisory Panel will consist of 20 members. The Citizens Advisory Panel will be nominated by the organizations listed in Resolution No. 35682, and approved by Resolution of the City Council, and shall serve without compensation. Expenses associated with the work of the panel shall be borne by the City of Tacoma, subject to prior authorization.

**Terms**

The members' terms will cease four weeks after the conclusion of the WASPC investigation and recommendations are made to the City Council. Any vacancies that arise during the panel's existence will be filled by a nominee submitted by the sponsoring organization, subject to approval by Resolution of the City Council.

**Objectives:**

The Citizens Advisory Panel will carry out its purpose by doing the following:

- Providing names of potential non-law enforcement experts to the WASPC investigators as requested. Requests will be communicated through the City Council liaison, Douglas Aukland, to the panel facilitator.
- Providing any input into how the investigation may be conducted to the City Council liaison, Douglas Aukland, until the conclusion of the investigation.
- Sharing the results of the investigation with various organizations and community members and gathering input to share with the Citizens Advisory Panel.



- Reporting back to the City Council at an open public meeting on its recommendations on factors to consider when responding to the results of the WASPC investigation.

### **Work Plan**

The Citizens Advisory Panel, with the assistance of the facilitator, will devise a work plan to meet objectives stated above.

### **Latitude**

In prescribing the purpose, mission, and objectives of the Citizens Advisory Panel, it is not the intent that the panel duplicate investigative functions or those assigned to the City Council.

The Citizens Advisory Panel will forward any allegations or concerns related to the investigation's content—including any allegations of misconduct—to the WASPC investigators. Any allegations of criminal conduct shall be directed to the Washington State Patrol.

### **Responsibilities**

Composition of the Citizens Advisory Panel is described in Exhibit "A." The Citizens Advisory Panel may designate, by a vote of the majority, one of its members as Chair; however, all members will have equal voting weight.

All regular and special meetings of the Citizens Advisory Panel panel shall be held in strict accordance with and pursuant to all applicable state laws with respect to open and public meetings.

The Citizens Advisory Panel may designate ad hoc committees from within its own membership to carry out its mission. Such committees will make recommendations or reports to the full panel and not act independently of other panel members.

The Citizens Advisory Panel may invite nonpanel members to participate on ad hoc committees where specific expertise may be needed when undertaking specific issues or tasks associated with the objectives of the panel.

Letter to City Council and City Manager from WASPC investigation Citizens Advisory Panel

The Citizens Advisory Panel for the Washington Association of Sheriffs and Police Chiefs investigation

January 14, 2004

City of Tacoma Mayor and Council members  
City Manager  
747 Market St Room 1200  
Tacoma WA 98402

Attention: William Baarsma, Mayor, City of Tacoma  
City of Tacoma Council members:  
Julie Anderson  
Bill Evans  
Connie Ladenburg  
Mike Lonergan  
Spiro Manthou  
Kevin Phelps  
Tom Stenger  
Rick Talbert  
James Walton, City Manager

The resolutions establishing this Panel are seen by Panel members to be broad, encompassing not only hiring and promotion practices during the career of David Brame, but also including serious allegations of misconduct by City of Tacoma employees.

This Panel is now aware that the WASPC investigation is focused solely on the hiring and promotion practices, while a second investigation, focused on allegations of misconduct by City of Tacoma employees, is being conducted by the Washington State Patrol.

This Panel believes that both investigations are relevant to the fulfillment of the resolutions and charter establishing this Panel and will lead to information that should be considered by the Panel.

Therefore, this Panel requests that the City Council take appropriate action to insure that the written WASPC report includes a review of the current Washington State Patrol Internal Affairs Review of the Tacoma Police Department, so that the Panel may make appropriate recommendations based upon the findings of both investigative bodies.

Sincerely,

Ginny Eberhardt  
Co-chair

George Hermosillo  
Co-Chair

CC: Larry Erickson, Executive Director, Washington Association of Sheriffs and Police Chiefs



## City of Tacoma

Mayor Bill Baarsma

February 17, 2004

Ginny Eberhardt, Co-Chair  
Citizens Advisory Panel for WASPC  
1317 South Winnifred Street  
Tacoma, WA 98465

George Hermosillo, Co-Chair  
Citizens Advisory Panel for WASPC  
2924 South Proctor Street  
Tacoma, WA 98409

Dear Ms. Eberhardt and Mr. Hermosillo:

I would like to thank you for participating on the Citizen's Advisory Panel for the Washington Association of Sheriff's and Police Chiefs (WASPC) Investigation and for your letter dated January 14, 2004 requesting that the panel be given the opportunity to review the current Washington State Patrol (WSP) Internal Affairs Review of the Tacoma Police Department.

While I appreciate your offer to take on more duties and responsibilities, after reviewing Resolution Nos. 35862 and 35852, which establish the Citizen's Advisory Panel and outline the scope of the WASPC investigation, it is clear, from the authorizing resolution, that the purpose of the panel was and is to analyze the results of the WASPC administrative investigation into the career of David Brame and to identify potential recommendations. The Panel may also provide recommendations for outside experts on matters unrelated to law enforcement to aid the WASPC investigators, at their request. The WASPC investigation will encompass the hiring, assignments, promotions, and conduct of David Brame. The investigators will also look into the Police Department's policies and practices related to hiring, promotion, discipline, record keeping, and the conduct of other City personnel regarding decisions and issues surrounding David Brame. As you know, the City has also authorized an outside performance audit of the City's personnel function. The findings from that audit will be made available to the panel as well.

Citizen's Advisory Panel Request  
February 17, 2004  
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The City has separately asked that the Washington State Patrol conduct an administrative investigation into possible misconduct by employees of the City of Tacoma. Because this investigation is focused on individual employees, it must comply with the various existing labor agreements and personnel rules. If misconduct is found, the City must consider what disciplinary action to take in accordance with these same labor agreements and our personnel rules.

Although the Council requested your participation in the WASPC investigation, because of the scope and focus of the WSP investigation we cannot, for the reasons stated, do the same for this investigation. However, we will share to the extent possible under the Washington State Public Disclosure Act and our labor agreements, any findings from the WSP investigation.

Again, thank you for taking the time to participate on the panel. I trust that the recommendations that the panel makes into the City's hiring policies and process will be very helpful in communicating WASPC's findings to the community in a way that will bring exposure, knowledge, acceptance and healing to the citizens of Tacoma.

Sincerely,



Bill Baarsma  
Mayor

cc: City Council Members  
Douglas Aukland  
Richard Hunter Nickell  
Citizen's Advisory Panel for the WASPC Investigation