

October 19, 2009

Chief John Calkins
City of Pacific Police Department
133 3rd Ave SE
Pacific, WA 98047

RE: Disposition of Charges of Abuse of Position

Chief Calkins,

On Friday, October 16th a Supervisory Review Board was convened in my office to review allegations that you may have abused your position in relation to four incidents as outlined by KOMO TV reporter Tracy Vedder. As a result of these allegations, an independent investigation was performed at the request of the city and this report as well as additional information was reviewed by the members of this board. It should be noted that this board's sole focus was whether you may have misused your position as a police officer or otherwise acted contrary to written policies for the Pacific Police Department. As other agencies, outside of the City of Pacific have reviewed these same incidents and either choose not to prosecute or you have been cleared in a court of law, those incidents were only reviewed on the point it may have been relevant to the abuse of position and no allegations of misconduct.

During this review, it was noted by all board members that in the two allegations involving Criminal Trespass on October 13, 2007 and Witness Tampering in October 2008 the independent investigation cleared you of any misconduct. You are hereby notified the City of Pacific will be taking no further action on these two incidents at this time.

The board reviewed the incident of "intimidation with a weapon on November 1, 2001". It was noted that the independent investigator was not able to talk to all parties involved and that subsequent information brought forward by at least one witness further cleared you of misconduct.

It should be noted that this investigation was investigated by Pierce County Sheriff's Office and the Pierce County Prosecutor choose not to file any charges based on their investigation.

It should further be noted that following Pierce County's disposition, these claims were made again to then Mayor Howard Erickson and the Pacific City Council. Those claims were reviewed by the city at that time and found to lack any evidence. The board reviewed a statement written by Mayor Erickson at that time as well as an additional statement by Mayor Erickson written recently. It should be noted that Council Member Steiger was both a member of this review board and of the City Council at that time and supported these statements.

It was unanimously agreed by the current Supervisory Review board that this issue has been fully investigated in the past, that no new evidence was presented since those investigations and that no further action should be taken on this matter.

The remaining matter involves the alleged actions taken during your stop and subsequent arrest for Driving Under the Influence on August 08, 2008. As was noted you were found Not Guilty by a jury of your peers and this review will only consider if your specific actions could be conceived as an abuse of position.

The board reviewed the police reports, comments made during testimony at your trial and statements and testimony from Lt. Edwin Massey (Pacific PD) who witnessed the investigation at the scene and subsequent arrest. We also considered the statements made to this board by Chief Jim Kelly, Auburn PD; who appeared as an expert witness on if your actions were reasonable or an abuse of position.

Following review of all evidence in this matter it came down to which statements the board found reason to believe. Although we understand a rank and file officer may feel intimidated by a higher ranking officer in a similar situation we do not believe that a statement that you were the Pacific Chief of Police had that impact nor was it your intent to intimidate the police officer. It was noted that if a similar incident were to happen in Pacific or in Auburn (as well as many other jurisdictions) a supervisor would have responded. This was not the case in this instance, in this jurisdiction.

It was noted that during the trial, statements made concerning alleged intimidation and abuse were or may have been contradictory to the police report. These statements were made by Bonney Lake Police Department officers.

After careful review of all evidence presented it was the unanimous decision by the Supervisory Review board that this issue should be dismissed.

As you know, as Mayor I am the sole authority on the disposition of this case. I choose to bring in members of the Public Safety Committee to assist in the review, but I am not bound by their opinions. In the matter of allegations that you may have abused your position as Police Chief of the City of Pacific, on any of four occasions noted by the KOMO TV story, I find insufficient evidence to take further action and consider this matter closed.

Sincerely,

Richard Hildreth
Mayor, City of Pacific
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