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CRIME

Richland police chief placed on 'Brady' impeachment list over past nepotism allegations

BY CAMERON PROBERT

UPDATED DECEMBER 14, 2023 2:15 PM



Richland Police Chief Brigit Clary has been placed on an “impeachment” list that could call into question her credibility as a witness. She’s shown here during a 2022 news conference when she was the interim chief. JENNIFER KING jking@tricityherald.com



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RICHLAND, WA

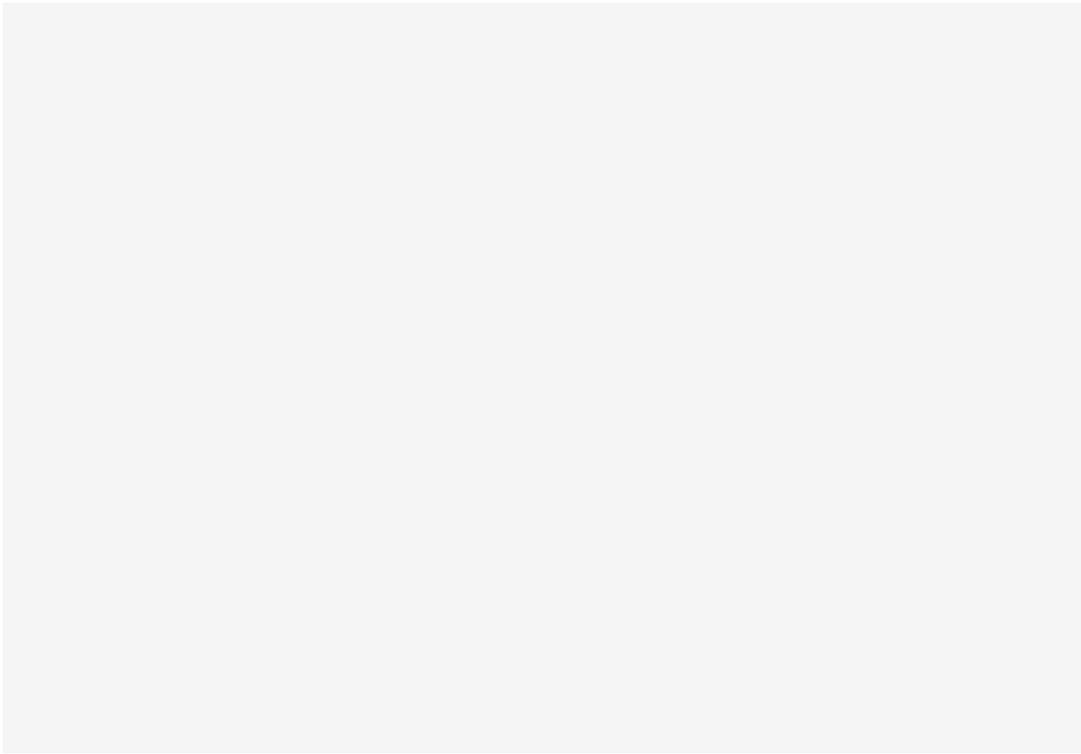
Richland Police Chief Brigit Clary has been placed on an “impeachment” list that could call into question her credibility as a witness in criminal cases.

Though Clary is retiring at the end of this month, prosecutors in Benton County notified defense attorneys in three cases in which she played a role in the investigation.

Local prosecutors maintain a “Potential Impeachment Disclosure” list — often called a “Brady list” — of witnesses whose integrity and trustworthiness could be questioned if they were called to testify.

TOP VIDEOS

The video player shows a video titled "What is plastic upcycling?". The progress bar indicates the video is at 00:34 out of a total duration of 01:30. There are icons for volume, a close button (X), and a menu (three dots) in the top right corner.



It's rare for the head of a police department to be placed on the "Brady" list. However, locally, it happened in 2021 when [former Sheriff Jerry Hatcher](#) was given that designation. Voters have since removed him from office.

The issue with Clary stems from a more than 6-year-old report by her former employer, the [Federal Way Police Department](#)

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Brigitt Clary was promoted to Richland police chief in 2022. *City of Richland*

Benton County Prosecutor Eric Eisinger told the Tri-City Herald this week that the report, which only recently came to his attention, alleged that Clary was lying about 19 overtime hours for her husband.

John Clary was on the same police force in Federal Way in Toppenish. He left the Federal Way department's Police Office shortly before she quit there to come to Richland.

Richland City Manager Jon Amundson told the Herald that Richland officials were not aware of the hiring until Clary was hired and learned of it in October or November when an anonymous source sent it to the city, county prosecutors and the Herald.

Richland's hiring background investigation for Clary was assigned to Tom Croskrey, who is now the Benton County sheriff but was a Richland police officer.

What is plastic upcycling?

lieutenant in 2017.

Croskrey visited Federal Way in person as part of that background check, Amundson said.

“All of the feedback given to Richland by Federal Way regarding Brigit Clary was positive and no reference was made to the findings that precipitated Benton County Prosecutor Eric Eisinger’s recent decision to place Brigit Clary on the potential impeachment disclosure list,” Amudson told the Herald in the email.

However, Croskrey told the Herald this week that Clary told him at the time that she was on paid administrative leave and he informed Richland’s then police Chief Chris Skinner

At the time, Skinner said Clary also had told him about the investigation but that he wanted to move forward with hiring her anyway, said Croskrey.

Since Federal Way police officials hadn’t wrapped up their investigation, they didn’t share any of the details of their allegations, Croskrey said.

Then, soon after Clary announced plans to [retire on Jan. 1, 2024](#), an anonymous tip arrived in October 2023 that alerted local officials to what happened in Federal Way.

The full Federal Way report arrived anonymously.

That’s when Benton County prosecutors contacted Amundson for information.

J. Ryan Call, Federal Way’s city attorney, said that Brigit Clary decided to resign shortly after her termination through her union rep. The police department confirmed her termination, but she resigned. ...”

The Herald obtained the email and later confirmed it with Benton County Deputy Prosecutor Terry Bloor.



She left Federal Way in March 2017 to work as a sergeant on the Richland force. She eventually worked her way up to the position of deputy chief in 2022.

She was promoted in April 2022 to the [position of chief](#) after Chief John Bruce suddenly resigned in January 2022. He had replaced Skinner after he took a job in Oregon.

Clary, who was the first woman to be Richland's police chief, oversees about 120 employees, including police officers, emergency services workers, Benton and Franklin county dispatchers and code enforcement officers.

Clary could not be reached by email this week about the issue.



The Richland Police Department station is at 871 Ge

FEDERAL WAY INVESTIGATION

The claims of nepotism and dishonesty are from a Feb. 3, 2017, report from Seattle-based private investigation firm Seabold Group.

At the time, the 26-page report was sent to Call who was Federal Way’s interim city attorney.

Clary had been at the department since 2002 and was a lieutenant at the time of the report. Her husband also was a lieutenant in the same department.

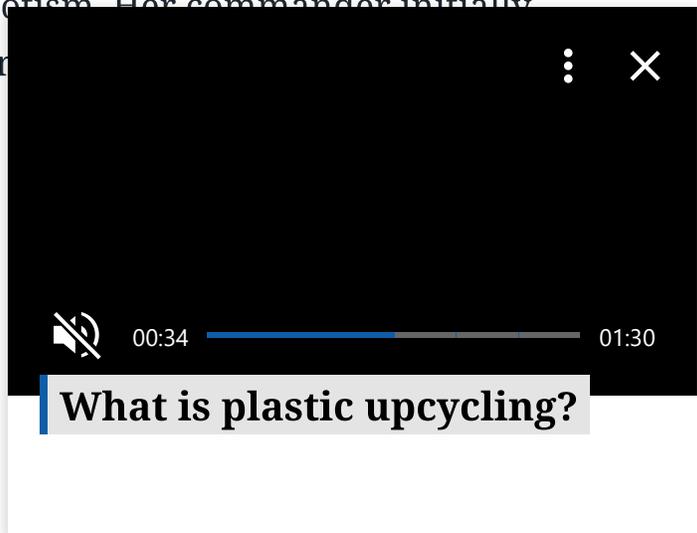
He left the Federal Way department in late 2016 or early 2017 before the investigation report was finished.

One of Brigit Clary’s assignments was to oversee the spending of a \$25,000 grant from the King County Sheriff’s Office, including approving overtime for officers working in the department’s registered sex offender monitoring program.

Officers visited homes to verify sex offenders were living where they said were. If they hadn’t registered, then the officers would write reports so charges could be filed.

Four times in October 2016, Brigit Clary approved overtime totaling 13 hours for her husband, and two other times she asked another lieutenant to approve John Clary’s overtime for 6 hours, according to the investigation.

In November 2016 she was placed on paid leave while city officials investigated whether she violated policies related to nepotism. Her commander initially started the investigation, but then it was handed



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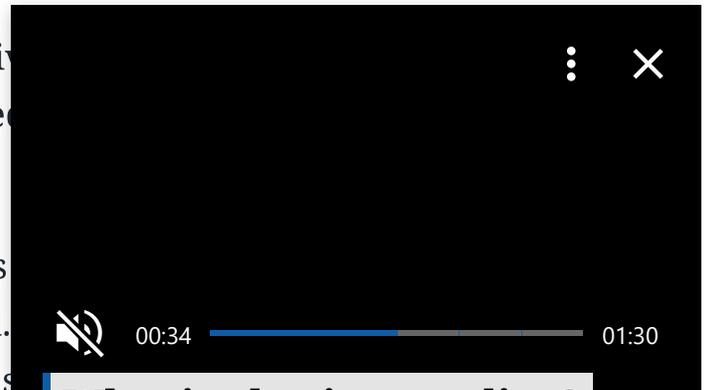
Richland Police Chief Brigitt Clary has been placed on an “impeachment” list that could call into question her credibility as a witness. She’s shown here during a 2022 news conference when she was the interim chief. Jennifer King jking@tricityherald.com

She was interviewed twice and then later gave statements before the final report was issued. The process wrapped up in February 2017.

The report concludes that she violated rules regarding overtime for a program that she supervised. The report also found issues about the policy and procedures for administering interviews with investigators.

Because she left before Federal Way decided whether to hire her, the findings in the report were never disseminated. She left Federal Way for the job in Richland in March 2017.

NEPOTISM POLICY DISPUTE



The Federal Way investigation found that most of the police department’s command staff believed the process for managing the grant money was clear and that Brigit Clary was not supposed to be managing or approving overtime for her husband.

She contended to the investigators that the rules were not that strict.

She signed John Clary’s overtime for four days in October 2016 while her commander, Chris Norman, was out of the office, according to the investigation.

She didn’t contact the deputy chiefs or other commanders to approve the overtime. Brigit Clary said they weren’t available, but administrators disputed that.

The report said when her husband worked over two more times that month, she had another lieutenant sign off on it instead of her commander who was back in the office.

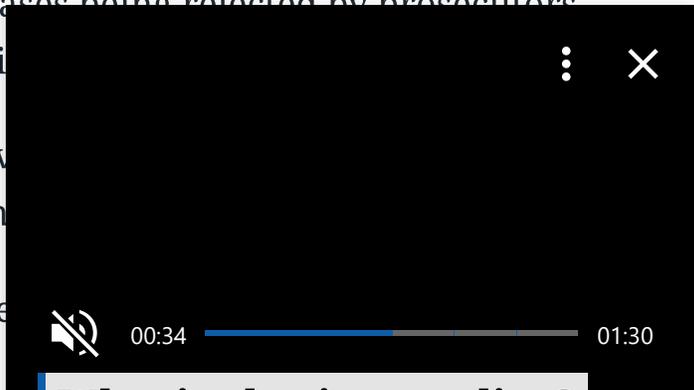
John Clary already had received some complaints because he was working overtime that was usually reserved for lower ranking officers. He also didn’t have the right training to complete the “failure to register” paperwork, said the report.

His lack of training ended up in one of the cases being rejected by prosecutors because of what was believed to be “an obvious error.”

Norman said he likely wouldn’t have approved the overtime because they wanted to make the grant money.

Brigit Clary told the investigators that she believed the contract was not a contract, and she wanted to make sure they were not.

When she was reminded that the contract existed, she wanted to make sure because sometimes it takes months to get the money.



THREE CRIMINAL CASES

Benton County Prosecutor Eric Eisinger told the Herald that he first heard about the possibility of the Federal Way investigation on Oct. 20, 2023, and then confirmed it with a federal prosecutor. An anonymous source forwarded the report on Nov. 11.



Eric Eisinger

Six days later, Eisinger and a committee of three deputy prosecutors decided out of an abundance of caution to add her to the “Brady” list of potential police witnesses with possible credibility issues.

Just because an officer is on the list doesn’t mean it will come up in trial, or that the case would be thrown out, Eisinger said.

“I don’t believe this is going to prevent us from prosecuting cases from Richland police,” he said.

The potential impeachment disclosure list is a [Court](#) ruling that required prosecutors to have used to prove a defendant didn’t commit a crime.

“The idea is the prosecution is not in the position where that information is admissible,” Eisinger said. “It’s up to the jury to determine if that information is admissible.”

The three cases in which Clary had some level of involvement included the [2019 murder of Daniel Rice](#) by Kyle Johnson-Clark, the [child rape conviction of Matthew Lowe](#) and a third child sex abuse case.

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While Clary was part of those investigations, she wasn't part of the final witness lists and didn't testify in court, Eisinger said.

Though all three cases have gone to trial or resulted in a guilty plea, Eisinger said he felt he needed to put Clary on the list.

At least two of the cases are on appeal to a higher court and could be returned for another trial or other court proceeding.



Lt. B. Clary - FWPD Standards Inv. 2016.007 Final Summary Report

Contributed by Tri-City Herald



FWPD.2016-007

TO: Ryan Call, Interim City Attorney, City of Federal Way

FROM: Kris Cappel, Anna Rendes – Seabold Group

DATE: February 3, 2017

SUBJECT: Standards Investigation #2016-007

I. INTRODUCTION & SCOPE OF INVESTIGATION

The City of Federal Way retained Seabold Group to conduct Standards Investigation 2016-007 to determine the facts and circumstances surrounding alleged violations of the police department Code of Conduct and City Employee Guidelines by Lieutenant Brigit Clary. Lt. Clary has been a member of the Federal Way Police Department (FWPD) since 2002.

On November 18, 2016, Lt. Clary was served personally with a Letter of Standards Investigation Notice and placed on administrative leave with pay. The investigation was originally assigned to Commander Chris Norman. Seabold Group was subsequently hired as outside investigators to conduct the investigation.

On December 13, 2016, Lt. Clary was served personally with a revised Letter of Standards Investigation Notice and Garrity Advisement. Copies of both letters and the Garrity Advisement are attached as Exhibit A. Lt. Clary was informed that an investigation had been opened because "on several instances during the month of October 2016, [she] approved reports and overtime compensation request slips submitted by [her] performed at [her] request pursuant to the Register alleged that some of the reports and overtime request were inaccurate. The notice further stated that "this behavior violated the following policies, procedures and/or City guidelines: City Code of Ordinances, Laws, Ordinances, and Rules; Code of Conduct 1.3 - Reports and Records; and Employee Guidelines 4.2

Seabold Group interviewed Lt. Clary in person on December 13, 2016. She was accompanied both times by her legal counsel. Lt. Clary was present during both of Lt. Clary's interviews and the interviews have been provided with copies of transcripts of her interviews. Lt. Clary has not made any corrections or clarifications. Before the interviews, Lt. Clary was advised that failure to fully and truthfully answer questions could result in disciplinary action.

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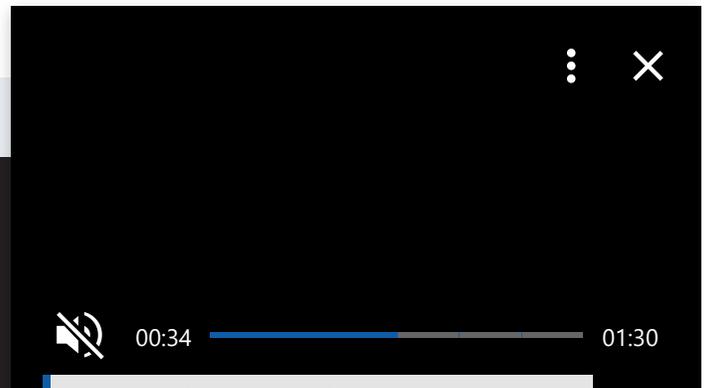
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