

**MINUTES OF THE
BOARD OF POLICE COMMISSIONERS MEETING
FRIDAY, AUGUST 23, 2013**

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held Friday, August 23, 2013, at South Patrol Division, 9701 Marion Park Drive, Kansas City, Missouri.

PRESENT:

Commissioner Lisa T. Pelofsky, President
Commissioner Alvin L. Brooks, Vice President
Commissioner Angela Wasson-Hunt, Treasurer
Commissioner Michael C. Rader, Member
Mayor Sylvester "Sly" James, Jr., Member (arrived at 9:22 a.m.)
Darryl Forté, Chief of Police
Mr. David V. Kenner, Secretary/Attorney

This meeting was called to order at 9:11 p.m. by Commissioner Pelofsky. The invocation was provided by Rabbi Herbert Mandl.

1. **Mr. Doug Jones, City Auditor.** Mr. Jones provided the monthly status report dated August 1, 2013. He said the next police audit will be the police academy cost recovery and it is scheduled for this fall.
2. **Citizen Satisfaction Survey.** Ms. Julie Steenson and Kate Bender from the City Manager's Office provided an overview of the results of the 2012-13 Kansas City, Missouri Citizen Survey Final Report. Ms. Steenson advised that ETC Institute administered a community survey for the City, sending surveys to 9,000 households. Among the major findings of the survey the overall satisfaction with City services continued to improve and most residents were satisfied with the feeling of safety in their neighborhood and quality of life in Kansas City. With regard to the police department, police services with the

Minutes of Board Meeting, August 23, 2013

highest levels of satisfaction were the effectiveness of local police protection; how quickly police respond to emergencies; and the enforcement of local traffic laws. Additionally, the two police services that residents thought were the most important for the City to provide were the City's overall efforts to prevent crime and the visibility of police in neighborhoods.

Commissioner Pelofsky asked if surveys are sent to businesses as well. Ms. Bender advised that ETC Institute is responsible for that survey and the City does a lot of collaboration with them on this survey. She said this survey instrument is very different than the one that is sent to residents. The survey sent to business owners asks how different factors and city services impact their business. Commissioner Pelofsky asked for that data.

Commissioner Brooks inquired as to whether or not the survey asked if there were children in the household. Ms. Bender said that specific question is not asked, however, the surveys are broken down by age range.

Commissioner Pelofsky asked if the hotspot map can be compared with the high satisfaction of police visibility.

3. Councilman John Sharp, Public Safety and Emergency Services Committee. Councilman Sharp thanked Major Jim Pruetting for bringing the primary seatbelt ordinance to the Council's attention. Since the City has passed a primary seatbelt ordinance, other cities in the metropolitan have passed similar ordinances.

Councilman Sharp said there has been a recent problem with broken down vehicles that have been illegally towed and taken to the junkyard as scrap

Minutes of Board Meeting, August 23, 2013

metal. He said the City has an ordinance that requires a hold on these vehicles prior to turning them into scrap, however, it has not been enforced. He said Regulated Industries has been notified. He appreciates the fact that the police department brought this to his attention.

He said the City Council held off voting on the cap on the bonds that will be issued for the remaining police department capital improvements. Councilman Sharp reiterated that he believes we need an adequately sized, equipped, and staffed crime lab to eliminate the backlog. He said the challenge is to have the ability to fund a lab that is the size needed and still have funds to build an adequately sized NPD. He said that overall, the capital improvement program has been a great success and these facilities are good for the community. Councilman Sharp said the new SPD was a major factor in Cerner Corporation's decision to expand in this area.

4. Mr. Jim Pyle, KCPERS. Mr. Pyle provided the Board with an update on changes to the retirement system. He said KCPERS provides retirement benefits for law enforcement as well as civilian retirees and this year they will issue benefit payments for a total amount of nearly \$60,000,000.

He said KCPERS has been working on pension reform for the past two years because of the Mayor's task force on pension reform; the City Manager's pension project team; the settlement agreement with the FOP; and increasing member contribution rates once legislation went into effect.

Mr. Pyle said to keep the pension fund at peak performance the goal is that contributions plus investment earnings must equal benefits plus expenses

Minutes of Board Meeting, August 23, 2013

over time. He said contributions come from the employee and the employer and one thing that has affected the pension funding is the shortfall in City contributions over the last decade. Mr. Pyle also stated that KCPERS has lowered the expected rate of return on its investments from 7.75 percent to 7.5 percent (even though the plans have averaged an 8 percent return over the last 10 years), and reduced the anticipated annual COLA from 3.0 percent to 2.5 percent. The shortage in the police plan is about \$87,000,000 and in the civilian plan it is \$14,000,000. The plans have about \$820,000,000 in assets, and are about 76 percent funded.

Mr. Pyle discussed changes to the pension plans for future active law enforcement members hired after August 28, 2013. Current Tier 1 members can retire after 25 years of service, and Tier 2 has been raised to 27 years. The final average salary cap for Tier 1 is over the highest two years and Tier 2 will be over the highest three years. Upon retirement and eventual death benefits, the surviving spouse of Tier 1 members receive 80 percent and Tier two will receive 50 percent. The goal of the plans is to be fully funded over the next 30 year time period.

With regard to the civilian plan, no changes were made for the current retirees. However, future active members will have to work two more years before being eligible for retirement.

Mr. Pyle said it took a lot of work getting the legislation passed earlier this year and Representative Myron Neff and Senator Ryan Silvey were very helpful and sponsored both bills. He said the KCPERS retirement board members, the

Minutes of Board Meeting, August 23, 2013

FOP, City and KCPERS lobbyists, and City Councilwoman Marcason worked together on getting the legislation passed. Commissioner Wasson-Hunt thanked Mr. Pyle for his work on this.

5. Approval of minutes. Commissioner Wasson-Hunt requested a correction on page 8 of these minutes of the July 23, 2013 Board meeting.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks approving the minutes of the July 23, 2013 Board meeting as amended. The vote was 5-0 in favor.

6. City Architects report. Mr. Eric Bosch provided the Board with an update on current construction projects at police headquarters and the EPD project.

Mr. Bosch said renovations on floors 1, 6, and 7 of police headquarters are moving along very well. Sheetrock for the walls and ceiling of the first floor are complete. The 6th and 7th are receiving mechanical systems and a raised floor system. On the outside of the building is the future Board room and glass is going in on the west and north side of that addition.

Many things are moving forward on the EPD crime lab. Mr. Bosch said 15 homes still need to be removed from the site. Asbestos has been removed from five of these homes and the contractor will begin taking the homes down. J. E. Dunn sent bid packets for Section 3 workers only for fencing around the construction area, security lighting, and internal roads. These projects will go to the City next week for review. Mr. Bosch said next month bid packets will be sent out for the EPD police station and multi-purpose building.

Minutes of Board Meeting, August 23, 2013

Commissioner Wasson-Hunt asked for a master plan of EPD that includes when was the original budget established and what was it; what the land acquisition was and the relocation budget and how it was changed; how the original budget was modified and the process and individuals who were responsible for modifying it. She said these are public funds and we need to be able to report this to the public.

7. **Chief Darryl Forté.** Chief Forté provided a brief report on the “Love in Action” community event that was held on July 27. He said it was a success with lots of people in attendance.

Chief Forté thanked Captain Dan Haley and Officer Rebecca Caster for hosting the recent LGBT luncheon.

Chief Forté said he recently signed a contract with DST for a satellite foot beat office at 1016 Central. This office will be open Monday through Friday, 7:00 a.m. to 4:00 p.m.

8. **Professional Development and Research Bureau.**

Deputy Chief Cheryl Rose submitted the basic training class summary dated August 16, 2013. Commissioner Wasson-Hunt asked how many recruits are scheduled to begin the 150th EOC that begins on September 23, 2013. Deputy Chief Rose said that 47 are scheduled. Deputy Chief Rose noted that maybe 1 in 10 people who start the application process make it through to graduation. The class is capable of handling 60 recruits at a time. Commissioner Wasson-Hunt asked because the police department is trying to find funds for the construction of the new EPD and crime lab, should now be the

Minutes of Board Meeting, August 23, 2013

time to have a large increase in the number of recruits? Chief Forté said we have the funding and the police department does not want to stop the process. Deputy Chief Higgins said we made a promise to the City that the police force would be at full capacity.

Deputy Chief Rose presented the following consent agenda items for approval:

- a. Budget transfers for fiscal year 2013-14
- b. Project #601, PPBM 825-5, Limited Duty.
- c. Project #531, Personnel Policy 236-2, Outside Agency Lateral Transfer
- d. Project #602, Personnel Policy 818-9, Duty Related Injuries
- e. Project #758, Personnel Police 935-4, Unit Files

A motion was made by Mayor James with a second by Commissioner Wasson-Hunt approving consent agenda item (a.) Budget Transfers, as presented. The vote was 5-0 in favor.

Commissioner Wasson-Hunt asked if it was possible to receive a year-to-date report outlining budget transfers that can be included with the monthly report. Deputy Chief Higgins said yes.

A motion was made by Commissioner Brooks with a second by Commissioner Rader approving the policies listed under consent agenda items (b.) through (e.) as presented. The vote was 5-0 in favor.

9. Administration Bureau.

a. Personnel summary. Deputy Chief Randy Hundley submitted the personnel summary dated August 7, 2013. Current department strength is 1,355 law enforcement personnel compared to 1,363 for this same time period in 2012.

Minutes of Board Meeting, August 23, 2013

Civilian strength is 576 positions compared to 570 positions for the same time period 2012.

He said over the summer the police department had 11 interns working in various units.

Deputy Chief Hundley said the category of “30 plus years” has been added to the report entitled, Law Enforcement Tenure by Rank and Years of Service.” Additionally, on the report entitled, Department Commendations and Disciplinary Actions, a column was added which reflects the 2012 year totals.

b. Appointment of new member to Deferred Compensation Committee. Deputy Chief Hundley submitted a memorandum dated July 29, 2013, which recommended the appointment of Captain Keith Kirchoff to the Deferred Compensation Committee. He will replace Major Phillip Lawler, who retired in May 2013.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks approving the appointment of Captain Keith Kirchoff to the Deferred Compensation Committee. The vote was 5-0 in favor.

10. Patrol Bureau. Deputy Chief Kuehl presented the monthly crime summary dated June 2013. A copy of the Crime Summary is marked as Attachment “A” and attached to these minutes. Deputy Chief Kuehl discussed the spike in auto thefts and said that the Law Enforcement Resource Center (LERC) conducted an in-depth analysis going back to 2010 and they have compiled this data to determine what has caused this spike. More details will be available in the future.

Minutes of Board Meeting, August 23, 2013

Commissioner Brooks asked if the police department could do some PSA's with regard to joyriding, etc. Deputy Chief Kuehl said educational programs are part of the analysis; reaching out to other cities and inquiring about their educational campaigns.

Commissioner Pelofsky asked if the police department provides information to businesses to help them protect themselves from property crimes. Chief Forté said the police department routinely assists businesses with crime prevention.

Deputy Chief Hundley said he forgot to mention that the Administration Bureau began a new initiative where a different sergeant will rotate every 28 days in the Administration Bureau sergeant's position until a final selection is made. He introduced Sergeant Sonny Garza as the first sergeant on the 28 day rotation.

In regard to the Traffic Summary, there were eight fatalities during July 2013, with 33 total year-to-date compared to 40 year-to-date for the same period last year. A copy of the Traffic Summary for July 2013 is marked as Attachment "B" and attached to these minutes.

Commissioner Wasson-Hunt inquired about the increase in the number of citations written. Major Jim Pruetting said it is an increase in traffic grant enforcement activity.

Deputy Chief Kuehl also submitted the June 2013 Executive Summary.

Commissioner Rader inquired about median response times saying in 2011 response time was lower than it is now. Deputy Chief Rose said at that

Minutes of Board Meeting, August 23, 2013

time response time was measured differently. Currently, it is measured from the time the 911 call comes in until the officer arrives at the scene and prior to that it was measured from the time the call was dispatched until the officer arrives at the scene.

Commissioner Wasson-Hunt said yesterday the dedication was held for the new Flintlock Flyover which should cause that location to ultimately be removed from the high crash location list. She thanked Major Rich Lockhart for his assistance in getting this project accomplished.

11. Investigations Bureau. Deputy Chief Hopkins reported that year-to date there have been 70 homicides with 66 for the same time period in 2012.

Deputy Chief Hopkins said there are 1,767 cases that have been presented to the prosecutor with 1,400 being filed.

With regard to drive-by shootings, there have been 131 year-to-date for 2013, as compared to 133 in 2012.

Deputy Chief Hopkins said there has been a reorganization related to KC NoVA and it will now be assigned under the Investigations Bureau and report directly to Deputy Chief Hopkins.

Deputy Chief Hopkins submitted the Narcotics and Vice Summary for July 2013. This report is Attachment "C" and is made a part of these minutes.

Deputy Chief Rose said P.A.L. will hold their 14th annual golf tournament on September 20, 2013.

Captain Joe McHale, Project Manager for KC NoVA, provided an overview of KC NoVA. This focused deterrence project draws upon multiple sources to

Minutes of Board Meeting, August 23, 2013

interrupt the cycle of violent crime. The sources include social services, faith based initiatives, probation and parole, law enforcement and family support groups. He said the goal of NoVA is to reduce homicides and aggravated assault and every year Kansas City averages 106 homicides per year and 3,484 aggravated assaults. He said NoVA has compiled a list of 2,161 individuals who are linked by violence in Kansas City for the past two years. NoVA will build intelligence models and relationships to direct resources to this group of individuals.

Commissioner Brooks suggested that meetings be held in the African American community to speak to the family and friends of the perpetrators.

12. Executive Services Bureau. Major Diane Mozzicato presented the following item for Board approval:

a. Kansas City Multi-Jurisdictional Task Force 2013-14 Grant. A memorandum dated August 8, 2013, was submitted recommending acceptance of the Award of Contract and Special Conditions for the period of July 1, 2013 through June 30, 2014. The award requires a local match of \$164,056.71 for a total of \$385,825.26.

Commissioner Brooks left the room at 11:19 a.m. and was out of the room during the vote.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Rader to accept the award from the Missouri Department of Public Safety in the amount of \$385,825.36 as presented. The vote was 4-0 in favor.

Minutes of Board Meeting, August 23, 2013

Deputy Chief Higgins said she wanted to discuss the \$600,000 funding need for the new crime lab.

At 11:20 a.m. Commissioner Pelofsky suggested that the Board take a brief recess.

The meeting resumed at 11:40 a.m. and Deputy Chief Higgins reiterated that she would like to discuss the crime lab funding. Commissioner Pelofsky said the discussion of the crime lab funding will be tabled until August 24, 2013. Deputy Chief Higgins said she wanted to address the Board as a citizen and she said she was going to utilize her compensatory time during her presentation. She provided a memorandum dated August 20, 2013, from Manager Paul Kies entitled, "Second Meeting with Cochran, Head, Vick & Co., CPA."

Deputy Chief Higgins began to discuss the funding options listed in the memorandum. Commissioner Brooks asked if this presentation was in order based on a report the Board has not yet received. Chief Forté said she has the right to speak as a citizen. Commissioner Wasson-Hunt said she has access to this report in her official capacity as a Deputy Chief. Deputy Chief Higgins said the document is public information.

Commissioner Pelofsky agreed that Deputy Chief Higgins should be allowed to speak.

Deputy Chief Higgins said in her opinion the police department cannot utilize \$600,000 for the next 13 years from the general fund without creating a deficit that would reduce personnel and severely hamper the police department's ability to operate. She said grants are not available to pay off debt. She

Minutes of Board Meeting, August 23, 2013

discussed the current helicopter warranty which will expire next year. She proposed that the financial services unit, in conjunction with Deputy Chief Hopkins, will have the ability to reduce the lab backlog for a nominal amount of money. Deputy Chief Higgins said as a citizen she recommended that the 54,000 square foot lab be constructed for financial reasons.

Chief Forté thanked Deputy Chief Higgins for the courage to make her presentation. Mayor James said he appreciated her comments also.

13. Executive Officer.

Major Steve Young submitted the monthly OCC investigations report dated August 5, 2013. There were 20 OCC's under investigation at the end of August and none required an extension beyond 60 days. OCC has received a total of 118 OCC's this year compared to 100 during the same period last year. There were 109 investigations that were completed and forwarded to OCC compared to 95 for the same period last year.

14. Audit Committee Report. Commissioner Wasson-Hunt had nothing to report at this time.

15. Fraternal Order of Police Lodge No. 99. Officer Steve Miller had nothing to report.

16. Election of Board Officers. Mr. David Kenner asked the Board for nominations for President, Vice President, and Treasurer.

Commissioner Rader nominated Commissioner Wasson-Hunt for the position of Treasurer.

Minutes of Board Meeting, August 23, 2013

Commissioner Pelofsky and Commissioner Wasson-Hunt nominated Commissioner Brooks for the position of President.

Commissioner Pelofsky nominated Commissioner Rader for the position of Vice President.

The Board voted to make the following appointments: Commissioner Alvin Brooks, President; Commissioner Michael Rader, Vice President; Commissioner Angela Wasson-Hunt, Treasurer. Commissioner Lisa Pelofsky will now hold the position of Member. The vote was 5-0 in favor.

17. Scheduled meetings.

Regular Board Meetings:

Friday, September 27, 2013

9:00 a.m., Regional Police Academy, 6885 N.E. Pleasant Valley Road, Auditorium, Kansas City

Tuesday, October 15, 2013

9:00 a.m., South Patrol Division, 9701 Marion Park Drive, Annex Building, Multi-Purpose Room, Kansas City

18. Mayor Sylvester “Sly” James, Jr. Mayor James said he was invited to meet with President Obama next week to discuss youth violence with other Mayors. Chief Forté will attend the meeting with him.

Mayor James discussed a business session yesterday with Congressman Cleaver on the topic of sequester.

19. Commissioner Wasson-Hunt. Commissioner Wasson-Hunt thanked Mayor James and Chief Forté for attending the Northland Chamber meeting. She said the reviews were great.

Minutes of Board Meeting, August 23, 2013

20. Commissioner Brooks. Commissioner Brooks expressed his thanks to everyone for their kindness toward the passing of his wife Carol. He said today would have been their 63rd wedding anniversary.

He said he will fulfill his obligation as Board President and he looks forward to it.

21. Commissioner Lisa Pelofsky. Commissioner Pelofsky said she and the Board have listened to everyone on the police department and have never turned anyone away who has asked to meet with them. She said she appreciates the passion in the presentation today and the creativity in the comments. She understands the message that there are concerns about whether or not the police department can fund the crime lab. Commissioner Pelofsky said she is optimistic and she is committed to doing whatever needs to be done to resolve this issue. She wants to take care of the community and make it as safe as possible.

A motion was made by Commissioner Wasson-Hunt, seconded by Commissioner Mayor James and by vote indicated below, to adjourn its open meeting at 12:22 p.m. and reconvene in closed session at 12:44 p.m. as provided in the following resolution. Following a roll call, the vote was 5-0 in favor.

RESOLUTION

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on July 26, 2013, and

WHEREAS, said notice indicated that the Board of Police Commissioners might go into closed session during said meeting, and

Minutes of Board Meeting, August 23, 2013

WHEREAS, notice of the closed meeting follows the guidelines of Section 610.020 of the Revised Statutes of Missouri.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Police Commissioners go into closed session during the meeting being held on Friday, August 23, 2013, at the South Patrol Division, Annex Building, Kansas City, Missouri, for the purpose of discussing personnel matters, litigation matters, and labor negotiations.

The following Commissioners were present and voted to go into closed session as follows:

Commissioner Alvin L. Brooks	-	Aye
Commissioner Lisa T. Pelofsky	-	Aye
Commissioner Angela Wasson-Hunt	-	Aye
Commissioner Michael C. Rader	-	Aye
Mayor Sylvester "Sly" James, Jr.	-	Aye

There being a quorum present and the question of holding a closed session having received an affirmative public vote of at least three (3) members, a closed meeting was held as set forth above.

Below are the votes from the closed session meeting of the Board of Police Commissioners on August 23, 2013:

- 1) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Rader, the Board voted to approve the minutes of the July 23, 2013, meeting, subject to a correction on page 8. The vote was 5-0 in favor.
- 2) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Rader, the Board voted to approve the settlement of the cases styled Holmes v. BOPC, Case No. 0716-CV27005-01, and Holmes v. Hutcheson, Case No. 1216-CV23669, for the aggregate sum of \$990,000. The vote was 5-0 in favor.

Minutes of Board Meeting, August 23, 2013

3) Following a motion by Commissioner Brooks and a second by Commissioner Rader, the Board voted to approve the application for continued employment of Reserve Police Officer Sharyn Mills. The vote was 5-0 in favor.

4) Following a motion by Commissioner Rader and a second by Commissioner Wasson-Hunt, the Board voted to approve the application for continued employment of Police Officer John Stafford. The vote was 5-0 in favor.

5) Following a motion by Commissioner Rader and a second by Commissioner Brooks, the Board voted to approve the Findings of Fact and Conclusions of Law, and entered the following Order: Garrett D. Polich is hereby suspended as a member of the Kansas City, Missouri Police Department without pay, effective December 21, 2012, and terminated as a member of the Kansas City, Missouri Police Department, effective August 23, 2013. The vote was 5-0 in favor. Following polling, Mayor James voted Aye, Commissioner Rader voted Aye, Commissioner Wasson-Hunt voted Aye, Commissioner Brooks voted Aye and Commissioner Pelofsky voted Aye.

6) Following a motion by Commissioner Brooks and a second by Commissioner Wasson-Hunt, the Board voted to continue to retain Mark Flaherty as legal counsel to the Board to assist with labor negotiations. The vote was 4-0 in favor, with Mayor James abstaining.

The Board then went into special closed session.

7) Following a motion by Commissioner Brooks and a second by Commissioner Rader, the Board voted to give Chief Forté a 4% raise. The vote was 3-2 in favor.

Minutes of Board Meeting, August 23, 2013

8) Following a motion by Commissioner Brooks and a second by Mayor James, the Board voted to make Chief Forté's raise retroactive to May 1, 2013, and to set his next review and evaluation for April, 2014. The vote was 3-2 in favor.

9) Following a motion by Commissioner Brooks and a second by Mayor James, the Board voted to come out of closed session. The vote was 5-0 in favor. Following polling, Mayor James voted Aye, Commissioner Rader voted Aye, Commissioner Wasson-Hunt voted Aye, Commissioner Brooks voted Aye, and Commissioner Pelofsky voted Aye.

10) Following a motion by Commissioner Brooks and a second by Mayor James, the Board voted to adjourn. The vote was 5-0 in favor.

President

Secretary/Attorney