

**MINUTES OF THE  
BOARD OF POLICE COMMISSIONERS MEETING  
TUESDAY, FEBRUARY 28, 2012**

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Tuesday, February 28, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri.

**PRESENT:**

Commissioner Patrick McInerney, President  
Commissioner Alvin L. Brooks, Vice President  
Commissioner Lisa T. Pelofsky, Member  
Mayor Sylvester "Sly" James, Jr., Member (arrived at 9:20 a.m.)  
Darryl Forté, Chief of Police  
Mr. David V. Kenner, Secretary/Attorney

**NOT PRESENT:**

Commissioner Angela Wasson-Hunt, Treasurer

This meeting was called to order at 9:00 a.m. by Commissioner McInerney. Police Chaplain John Miles provided the invocation.

**1. Approval of minutes.**

A motion was made by Commissioner Brooks and a second by Commissioner Pelofsky approving the minutes of the January 24, 2012 regular Board meeting. The vote was 3-0 in favor.

**2. Mr. Gary White, City Auditor.** Mr. White presented the monthly status report dated February 2, 2012. Mr. White advised that his staff is in the process of working on the police video records audit scope statement, and hopes to have it ready for review by the Audit Committee in March. He plans to present the draft scope statement to Chief Forté in the near future.

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3. **Councilman John Sharp.** Councilman Sharp thanked the Department for allowing a division commander to appear at the weekly Public Safety and Emergency Services committee meetings. He also thanked the Department for the efforts to control merchants who sell synthetic marijuana.

Councilman Sharp said the City Council recently passed an ordinance dealing with the theft of scrap metal, copper in particular. This new ordinance requires the scrap metal dealers to make sure they have significant proof of ownership prior to purchasing scrap metal.

Councilman Sharp said he noted that the budget proposal calls for the elimination of some police department positions that are now vacant. He said he would like to know the Department's position on this budget proposal.

4. **Ms. I. Pearl Fain.** Ms. Fain presented the monthly statistical report for January 2012. This report is maintained in the Office of Community Complaints. OCC received a total of 34 complaints for the month of January 2012, and 16 of these complaints were submitted to the Internal Affairs Unit for Investigation.

Commissioner Brooks asked about the spike in complaints between 2011 and 2012 for the month of January. Ms. Fain said that in 2011, there were an unusually low number of complaints and the numbers reflected now are closer to the normal range.

Commissioner Brooks thanked Ms. Fain for the information related to complaints in the "hotspots."

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5. **City Architects report.** Mr. Eric Bosch provided the Board with an update on the current construction and renovation projects.

Mr. Bosch submitted photographs of the SPD/SOD construction site. He said the main building and the SOD buildings are fully enclosed. There is heat in the main building. He said sheetrock is going in and soon finish work will take place. He said the site has been kept clean, leaving no excess materials.

With regard to the headquarters renovation, bids are going out for the addition and the interior renovation. The construction will begin in early June 2012, and will take approximately 25 months to complete.

The 901 Charlotte project will be complete soon and Department members will move in during March 2012.

With regard to the EPD/Crime Lab project, thus far 60 out of 88 homeowners have agreed to the price offered for their property. On March 8, 2012, funds will be available to start closings on the property purchases. The weekly Thursday night meetings continue to allow for communication between the City and the homeowners.

He said the design is coming along well and consideration is being given to the materials that will be used on the outside of the building.

Mr. Bosch said his office still anticipated amending the contract with Helix and will bring this amendment to the Board for approval. The amendment involves some additional work to create usable space in the vacated fire department offices at police headquarters, as well as some additional work to the

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fitness facility in the sub-basement of headquarters. He said it is possible that work will be done on the streetscape surrounding the municipal court also.

Commissioner Brooks asked when Capital Improvements will go out for EPD/Crime Lab construction bids. Mr. Bosch said the first step will be to find a construction manager-at-risk which will put in place a general contractor that will work with Helix architects. Mr. Bosch anticipated that after this, the construction bids will go out in fall 2012. Mr. Bosch reported that once the City takes possession of the houses, they are secured and boarded up, checked for hazardous materials, and then demolition and deconstruction will start in May or June 2012, and run through approximately October 2012, except for land trust houses for which the work can start earlier.

Commissioner Brooks asked for a construction timeline. Mr. Bosch said he will provide one to Major Gallagher to forward to the Board.

**6. Chief Darryl Forté.** Chief Forté introduced the new Police Chaplain, Kenneth Ray.

Chief Forté said the CSTAR meetings have been replaced with IRIS meetings (Information Review & Information Sharing Unit) which occur every Tuesday morning at 6:15 a.m. The first meeting was held on January 31, 2012. These intelligence sharing meetings are not open to the public and are facilitated by Captain Daniel Gates. Mr. Kevin Harrell, the Chief Deputy Prosecuting Attorney with Jackson County, Missouri, will regularly attend these meetings. The purpose of the meetings is link analysis.

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Chief Forté said he will present the police department budget to the City Council at 10:00 a.m. on March 1, 2012, and will ask for \$10,000,000 in salary increases.

### **7. Administration Bureau.**

a. Sprint and E-Ticketing update. Major Jan Zimmerman and Officer Mike Grigsby provided an update on the status of Sprint upgrades, connectivity, and speed. Officer Grigsby stated he has been working closely with Sprint representatives to address the signal coverage needs. Booster equipment is being installed at each division station and Sprint is covering the cost. He said Sprint is also doing a 100 percent equipment upgrade across the metropolitan area which will allow better signal coverage in many areas of the city; coverage will improve 25-30% and signal strength will increase 10-15%. Commissioner McInerney asked how we will know if it is working. Officer Grigsby replied that the Department will measure it against benchmarks, tested both by Sprint and outside experts. Commissioner McInerney asked Officer Grigsby to provide an update to the Board in September to report on the effectiveness of the Sprint upgrades.

In response to a question from Commissioner Pelofsky, Major Zimmerman said she has been working with the Patrol Bureau and will implement additional training related to the E-Ticketing devices.

Major Zimmerman introduced Dr. William Powell, CEO of REJIS, who expressed his appreciation to the Department for the facilitation of the

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implementation of REJIS. He also thanked the Board and Mayor James for their support related to the ORI situation.

Dr. Powell stated the ORI issue has no impact on response times. REJIS negotiated with the FBI and MSHP so that there will be no impact on response times for any users throughout the state. Dr. Powell also advised that the issues and concerns that are brought up by the Department are taken seriously and REJIS executives review these concerns at weekly staff meetings.

With regard to a response time baseline, a REJIS team will work with the Department next month to record response times, while riding along in patrol cars.

Dr. Powell stated REJIS is totally committed to the relationship with the Department and said this relationship is the key to facilitating criminal justice information sharing throughout Missouri, as well as Kansas and Illinois. He said REJIS's primary interest is keeping this relationship very positive by rectifying issues and concerns as needed.

Deputy Chief Masters noted that the Department is still working through the FBI and MSHP with respect to the ORI.

b. Personnel summary. Deputy Chief Masters presented the personnel summary dated January 31, 2012. Current department strength is 1,388 police officers compared to 1,386 for this same time period in 2011. There are 570 civilians compared to 571 for the same time period 2011.

Commissioner Brooks inquired about the 911 operator positions. Deputy Chief Masters said four are in training, three will begin training, and the

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Department is going to hire 11 more. However, the Department has also lost four.

Parking control officer positions may be eliminated from the budget because the City now oversees this Department.

c. Health insurance, dental insurance and EAP renewal. Deputy Chief Masters submitted a memorandum dated February 15, 2012, outlining the renewal of health insurance, dental insurance, and EAP with Blue Cross Blue Shield (Blue KC). The renewal period is May 1, 2012 through April 30, 2013 at a cost of \$19,567,796 for health insurance, \$37,300 for EAP, and \$121,000 for a dental benefit subsidy. However, there is a clause that would allow termination of the agreement on 30 days notice.

A motion was made by Commissioner Pelofsky, and a second by Commissioner Brooks to approve the renewal of the health, dental and EAP insurance plans as presented. The vote was 4-0 in favor.

d. Deputy Chief Masters submitted a memorandum dated February 13, 2012, outlining the details of the renewal of group life insurance and group long term disability for the period of May 1, 2012 through April 30, 2013, with Standard Insurance Company. The annual cost for the life insurance is \$220,722 and \$54,600 for long term disability.

A motion was made by Commissioner Brooks, and a second by Commissioner Pelofsky approving the renewal of group life insurance coverage and group long term disability coverage as presented. The vote was 4-0 in favor.

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### **8. Investigations Bureau.**

a. Crime summary. Deputy Chief Randy Hundley stated that to date there have been 14 homicides compared to 10 for the same time period in 2011.

Deputy Chief Hundley presented the 4<sup>th</sup> quarter homicide analysis for 2011, as well as the Narcotics and Vice Summary for January 2012. These reports are Attachment "A" and "B" respectively and made a part of these minutes.

Deputy Chief Hundley advised that during January 2012, there were 296 cases presented to the prosecutor and cases were filed on 204 of them.

With regard to drive-by shootings, the total number for 2011 was 220 as compared to 244 in 2010.

The Cold Case Sex Crimes backlog disposition is currently at 636 cases in need of review.

Commissioner Brooks asked if there are any trends related to the homicides. Deputy Chief Hundley said some possible links have been investigated, however, currently there are no trends.

Commissioner Pelofsky inquired about the lethality assessment as it relates to the number of domestic violence homicides that have occurred. She asked for a discussion of this topic at a future Board meeting.

### **9. Patrol Bureau.**

a. Crime summary. Deputy Chief Cheryl Rose presented the Monthly Crime Summary for December 2011. This report is Attachment "C" to these

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minutes. Also submitted was the January 2012, Traffic Summary which is marked as Attachment "D" to these minutes.

Deputy Chief Rose briefly discussed response times. Commissioner Brooks asked how long a person may stay on hold when calling 911. He said he called recently to report a robbery and carjacking and he had concerns about the length of time he was on hold. Deputy Chief Rose stated that the Department is hitting the 7.5 minute response time for Priority 10 calls about 80% of the time.

Commissioner Pelofsky said she had concerns about a call she made to 911 using her cell phone and she was in an area of the city where the call went to Kansas City, Kansas Police and the call was intended for Kansas City, Missouri Police. She asked how the cell towers factor into the response times. Major Kuehl said the cell tower issue can be random in that the cell signals can bounce off of buildings, etc., causing the call to end up being answered by an agency other than the one intended.

Deputy Chief Rose reported that there have been six fatal vehicular accidents during January 2012, compared to three in December 2011.

Deputy Chief Rose said the Department is preparing for the annual St. Patrick's Day parade and finalizing the security and traffic plans for the upcoming All-Star game.

**10. Professional Development & Research Bureau.** Captain Kevin Murdock presented the following policies for approval.

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a. Project #467, Personnel Policy 345 – Americans with Disabilities Act. He advised this policy had minor changes such as rewording and the addition of definitions.

A motion was made by Commissioner Brooks, and a second by Commissioner Pelofsky to approve the revisions to Personnel Policy 345, Americans with Disabilities Act. The vote was 4-0 in favor.

b. Project #539, Personnel Policy 419-7 – Holiday Compensation.

The primary change to this policy was the Bureau Commanders decision to allow those assigned to 10 hour shifts to receive 10 hours holiday pay. There were also some minor wording and administrative changes.

A motion was made by Mayor James, and a second by Commissioner Pelofsky to approve the revisions to Personnel Policy 419-7, Holiday Compensation. The vote was 4-0 in favor.

c. Project #446, Personnel Policy 235-5 – Re-employment of Department Members. This policy was reformatted and revisions were made to include the change that non-sworn members now receive college incentive pay and that training needs for sworn personnel will be considered on a case-by-case basis.

Commissioner Pelofsky inquired about the fiscal impact of policy revisions. Higgins said there is a fiscal impact related to this policy, but it is not noted in writing. Commissioner Pelofsky requested that this information be included with each policy revision that creates a fiscal impact.

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A motion was made by Commissioner Brooks, and a second by Commissioner Pelofsky to approve the revisions to Personnel Policy 235-5, Re-employment of Department Members. The vote was 4-0 in favor.

### **11. Executive Services Bureau.**

a. Mid-America Regional Council (MARC) donation. Deputy Chief Jerry Gallagher submitted a memorandum dated February 14, 2012, requesting approval for the donation of an augmented reality system and binoculars for the Helicopter Section. This donation is valued at \$212,431.

A motion was made by Commissioner Brooks, and a second by Commissioner Pelofsky accepting the donation from MARC valued at \$212,431. The motion was 4-0 in favor.

b. Mid-America Regional Council (MARC) donation. Deputy Chief Jerry Gallagher submitted a memorandum dated February 14, 2012, requesting approval for the donation of helicopter downlink equipment for the Helicopter Section. This donation is valued at \$199,039.02.

A motion was made by Mayor James, and a second by Commissioner Pelofsky accepting the donation from MARC valued at \$199,039.02. The motion was 4-0 in favor.

c. Mid-America Regional Council (MARC) donation. Deputy Chief Jerry Gallagher submitted a memorandum dated February 14, 2012, requesting approval for the donation of nine camera units, three network interface units and 11 outdoor subscriber units. This donation is valued at \$113,725.15

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A motion was made by Commissioner Pelofsky, and a second by Mayor James accepting the donation from MARC valued at \$113,725.15. The motion was 4-0 in favor.

d. Headquarters renovation. Deputy Chief Gallagher submitted a memorandum dated February 20, 2012, recommending approval of an additional \$455,000 for Helix Architects. Helix has recommended additional renovations that include the fitness facility in the sub-basement, relocation of the Patrol Video Unit and the Crimes Against Children Unit, and a new roof for the Communications Building. These funds will be transferred from the public safety sales tax fund.

A motion was made by Commissioner Pelofsky, and a second by Commissioner Brooks to approve the transfer of public safety sales tax funds in the amount of \$455,000 for Helix Architects. The vote was 4-0 in favor.

e. Bid No. 2009-11, ammunitions/munitions renewal. Deputy Chief Gallagher submitted a memorandum dated February 17, 2012, recommending renewal of the one-year contract with Gulf States Distributors and Lawmen's & Shooter Supply. The renewal period is from May 1, 2012 through April 30, 2013, for an anticipated expenditure of \$325,842.25.

A motion was made by Commissioner Brooks, and a second by Commissioner Pelofsky to accept the renewal bid for ammunition/munitions for the anticipated expenditure of \$325,842.25. The vote was 4-0 in favor.

Commissioner Brooks temporarily left the meeting.

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f. Truck purchase to enhance port security agreement. Deputy Chief Gallagher submitted a memorandum dated February 15, 2012, recommending acceptance of the MARC agreement for the procurement of a ¾ ton truck to transport the Kansas City, Missouri communications trailer to support interoperable communications capabilities. The Department will receive up to \$50,000 for this purchase.

A motion was made by Mayor James, and a second by Commissioner Pelofsky accepting the MARC agreement for the purchase of a ¾ ton truck for an estimated expenditure of up to \$50,000. The vote was 3-0 in favor.

g. Budget transfers for fiscal year 2011-12.

Deputy Chief Gallagher submitted a memorandum dated February 15, 2012, outlining the details of these budget transfers. A copy of this memorandum is Attachment "E" and made a part of these minutes.

A motion was made by Mayor James, and a second by Commissioner Pelofsky approving the budget transfers as presented. The vote was 3-0 in favor.

Commissioner Brooks returned to the meeting.

h. Status of public safety sales tax at the end of January. Deputy Chief Gallagher submitted this memorandum, dated February 7, 2012, for informational purposes only. Commissioner McInerney had a question about the 1.51% increase and the local use tax revenue 8.60% decrease. Mr. Paul Kies explained that the use tax is no longer deposited into the public safety sales tax fund.

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i. Budget Summary for the month of January. Deputy Chief Gallagher submitted this memorandum, dated February 15, 2012, for informational purposes only. A copy of this memorandum is Attachment "F" and made a part of these minutes.

### **12. Major James Pruetting.**

a. Monthly OCC investigation report. Major James Pruetting discussed the January 2012, OCC report and reported that there were 16 OCC's under investigation and none have been granted an extension beyond 60 days. IAU received 16 OCC's this year compared to 15 for the same period last year. A total of 19 investigations have been completed and forwarded to OCC compared to 24 for the same period last year.

b. Private officers license appeal, Isinwa C. Young. Major Pruetting submitted the private officer license appeal of Isinwa C. Young. The basis for the denial is Mr. Young's actions on October 16, 2011, when he committed an assault. The denial is based on Title 17 of the Code of State Regulations, Section 10-2.050 (5) (D).

A motion was made by Commissioner Brooks, and a second by Commissioner Pelofsky to uphold the decision of the Private Officers Licensing Section to deny the application for a private security license submitted by Isinwa C. Young. The vote was 4-0 in favor.

c. Private officers license appeal, B & E Armed Security Services.  
Major Pruetting submitted the private officer license appeal of B & E Armed Security Services. The basis for the denial is the continued improper

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firearm training or no training at all of B & E Armed Security employees. The denial is based on Title 17 of the Code of State Regulations, Section 10-2.055 (3) and (4).

A motion was made by Commissioner Pelofsky, and a second by Mayor James and carried by vote indicated below, to uphold the fine and revocation as recommended by the Private Officers Licensing Section.

Commissioner Patrick McInerney	-	Aye
Commissioner Lisa Pelofsky	-	Aye
Mayor Sylvester "Sly" James, Jr.	-	Aye
Commissioner Alvin Brooks	-	Abstain

d. Private officers license appeal, Nauman Haq. Major Pruetting submitted the private officer license appeal of Nauman Haq. The basis for the denial was Mr. Haq's felony conviction for driving while under the influence. The denial is based on Title 17 of the Code of State Regulations, Section 10-2.050 (4) (G).

A motion was made by Mayor James, and a second by Commissioner Pelofsky to uphold the decision of the Private Officers Licensing Section to deny the application for a private security license submitted by Hauman Haq. The vote was 4-0 in favor.

**13. Audit Committee update.** This update will be provided at the next regular Board meeting.

**14. Fraternal Order of Police Lodge No. 99.** Officer Steve Miller stated that the FOP is looking forward to the upcoming negotiations for the new MOU.

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15. **Appointments to the KCPD Retirement Board.** This item was tabled due to Commissioner Wasson-Hunt's absence.

16. **Scheduled meetings.**

Regular Board Meetings:

**Tuesday, March 20, 2012  
9:00 a.m., 6<sup>th</sup> floor, Board room**

**Tuesday, April 24, 2012  
9:00 a.m., 6<sup>th</sup> floor, Board room**

Business Sessions:

**Thursday, March 8, 2012  
9:00 a.m., Headquarters Annex, 901 Charlotte, Room 8, lower level**

**Monday, April 9, 2012  
9:00 a.m., 6<sup>th</sup> floor, Board room**

A motion was made by Commissioner Brooks, and a second by Commissioner Pelofsky the Board voted to go into closed session at 10:43 a.m. to discuss legal matters, employment matters, preparation for negotiations with employees and litigation matters. The vote was 4-0 in favor.

**RESOLUTION**

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on November 7, 2011, and

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

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

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Tuesday, February 28, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri, for the purpose of discussing litigation, legal issues and/or personnel issues.

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

Commissioner Patrick McInerney	-	Aye
Commissioner Lisa T. Pelofsky	-	Aye
Commissioner Alvin Brooks	-	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.

The following votes were held on February 28, 2012, in a closed session.

(Present were Mayor James and Commissioners McInerney, Brooks, and Pelofsky.)

- 1) Following a motion by Commissioner Brooks and a second by Commissioner Pelofsky, the Board voted to go into closed session to discuss legal matters, employment matters, preparation for negotiations with employees, and litigation matters. The vote was 4-0 in favor.
- 2) Following a motion by Commissioner Brooks, and a second by Mayor James, the Board voted to give certain authority to Diane Chirside with the Missouri Attorney General's office in connection with the mediation of the Gardner v. Ritchie lawsuit. The vote was 4-0 in favor.
- 3) Following a motion by Commissioner Brooks, and a second by Commissioner Pelofsky, the Board voted to approve the minutes of the January 24, 2012, closed meeting. The vote was 4-0 in favor.

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4) Following a motion by Commissioner Pelofsky, and a second by Mayor James, the Board voted to approve the continued employment of Reserve Sergeant Dwaine Folsom. The vote was 4-0 in favor.

5) Following a motion by Commissioner Brooks, and a second by Commissioner Pelofsky, the Board voted to adjourn. The vote was 4-0 in favor.

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President

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Secretary/Attorney