

**MINUTES OF THE  
BOARD OF POLICE COMMISSIONERS BUSINESS SESSION  
MONDAY, APRIL 9, 2012**

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Monday, April 9, 2012, at Police Headquarters Building, 6<sup>th</sup> Floor Board Room, 1125 Locust Street, Kansas City, Missouri.

**PRESENT:**

Commissioner Patrick McInerney, President  
Commissioner Alvin L. Brooks, Vice President  
Commissioner Angela Wasson-Hunt, Treasurer  
Commissioner Lisa T. Pelofsky, Member  
Mayor Sylvester "Sly" James, Jr., Member  
Darryl Forté, Chief of Police  
Mr. David V. Kenner, Secretary/Attorney

The meeting was called to order at 9:07 a.m. by Commissioner McInerney.

1. **Legislative update.** Mr. Andy Arnold, from Arnold & Associates, provided the Board with an update on legislative activity occurring in Jefferson City since January 2012. His activity report included information on the following:

State budget HB 2008 – The state budget will go before the Senate in the next two weeks.

Emergency vehicles SB 568 – Several bills were filed requiring drivers to move a lane over for all emergency vehicles, not only law enforcement vehicles.

Closed records SB 764, HB 1970 and HB 1515 – The sunset on public safety and law enforcement being able to close records and information regarding operational guidelines, policies, security systems, structural plans and other security information will expire on December 31, 2012. These bills attempt to extend this deadline.

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KCPD political activity HB 2081- This bill changes the current statutory prohibition on political activity for KCPD members.

Conceal and carry law change HB 1319 – This bill would allow persons 18 and older to qualify for CCW. Restrictions on such persons are that the person must be a U.S. citizen, a member of the U.S. armed forces, honorably discharged or a member of a military academy or a member of the reserve Officers Training Corps. Additionally, Mr. Arnold said another provision of this bill allows individuals over 18 that have been involuntarily committed or incapacitated to apply to transport, purchase, and possess firearms.

Omnibus crime bill HB 1515 – This bill contains 15 different subjects related to the following topics: child abuse reporting, peace officer safety standards, water patrol permits, orders of protection, DNA profiling analysis, federal seizures, unlicensed daycare, sentencing advisory committee, crimes against the elderly, house of worship act, false identification, making a false report, public records, crime scene photographs and videos, cyber crime law enforcement task forces.

St. Louis local control initiative petition - The group “A Safer Missouri” has concluded collecting signatures to put local control of the St. Louis Police Department on the November 2012 ballot.

### **2. Approval of Minutes.**

A motion was made by Mayor James, with a second by Commissioner Pelofsky approving the minutes of the February 28, 2012, Board meeting as presented. The vote was 5-0 in favor.

A motion was made by Mayor James, with a second by Commissioner Pelofsky approving the minutes of the March 20, 2012, Board meeting as presented. The vote was 5-0 in favor.

**3. Councilman Scott Wagner.** Councilman Wagner discussed the proposed truancy ordinance in response to Councilman Sharp’s presentation to the Board on March 20, 2012. Councilman Wagner said this ordinance will add another level of accountability to the truancy ordinances and state statute, by allowing the parents or guardians of truants to be cited. Councilman Wagner

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requested Board support of this ordinance. Councilman Wagner stated that the Kansas City Public School District and the Hickman Mills School District have tremendous truancy problems. At some schools 18 percent of the children are absent on an average day.

Commissioner Brooks inquired about whether or not the Kansas City School District has an alternative school. Councilman Wagner said the school district will have one by this fall.

Deputy Chief Rose said the “truancy sweeps” conducted in the past have been effective. Councilman Wagner noted that 30 percent of burglaries are committed by out of school students.

Chief Forté indicated that he was in favor of this ordinance.

A motion was made by Commissioner Brooks, and a second by Mayor James indicating that it is resolved that the Board supports Committee substitute #120180, truancy ordinance. The vote was 5-0 in favor.

**4. Deputy Chief Randy Hundley.** Deputy Chief Hundley submitted the Daily Homicide Analysis dated April 9, 2012. Commissioner McInerney inquired about homicide clearances. Deputy Chief Hundley said the total cleared was 43 percent for year end.

Deputy Chief Hundley said 13 homicides occurred in houses, apartments, or hotels; 14 on public streets, sidewalks, or businesses, and six have occurred in vehicles. Commissioner Brooks noted that handguns were used in the majority of the homicides. Commissioner Brooks emphasized that the murder rate is unacceptable and that 79 percent of the victims are African-American.

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Mayor James asked if records are kept as to the length of time from the moment a homicide is reported to the time a suspect is arrested. Deputy Chief Hundley said that specific records of this nature are not kept.

Chief Forté said he still strives to build relationships within the community and will continue to hold forums. He said the plan for the next forum is to have Department members in the audience and allow community members to ask questions and express concerns. He believes it is important to maintain contact with the community, to set a good example, and simply talk to people in the neighborhoods, schools, parks, businesses, etc.

**5. Health care consolidation.** Commissioner McInerney introduced Board Resolution No. 12-03, Health Insurance Consolidation.

Deputy Chief Masters provided a brief historical review of the process leading up to the decision to establish health care trust with the City as authorized under Section 537.620 of the *Revised Statutes of Missouri*.

Commissioner Pelofsky asked for clarification on the allocation of the \$5 million dollars for pay increases.

Commissioner McInerney said the trust will be made up of two co-chairs, one City Council representative and one representative from the Police Board; a series of management personnel representatives including three appointees by the Chief, one law enforcement commander, and two non-sworn representatives, one active and one retiree. There will also be labor representatives including FOP Lodge 99 representatives, one active and one retiree. The total makeup is 17 members on the governance committee reflecting 11 City representatives and

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six Board representatives which is proportional to the number of members that would join this trust.

Commissioner McInerney discussed the pay increases, changes to the insurance premiums, and employee contributions.

Ms. Leah Voss, a retired member of the police department spoke in opposition to the resolution.

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt approving Board Resolution No. 12-03, Health Insurance Consolidation as presented. The vote was 5-0 in favor.

Commissioner McInerney explained his reasons for voting in favor of this resolution. He said it provides good health care for members of the police department and the police department benefits staff will remain in place. Additionally, this consolidation comes with a pay raise for all members. With regard to the health care committee, he said the Department is represented proportionally on this committee. Lastly, the resolution contains a provision that allows the police board to conduct a yearly review and reassessment of the costs and benefits of this consolidation to have assurance that it remains in the best interest of the police department members.

### **6. Deputy Chief Jerry Gallagher.**

#### **a. Supplemental appropriations for fiscal year 2011-12.**

Deputy Chief Gallagher presented a memorandum dated March 29, 2012, recommending the establishment of supplemental appropriations related to the

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purchase of two helicopters and to furnish/equip PSST project buildings. This memorandum is Attachment "A" to these minutes.

A motion was made by Commissioner Brooks, seconded by Mayor James approving the request for supplemental appropriations as presented. The vote was 5-0 in favor.

b. Budget transfers for fiscal year 2011-12.

Deputy Chief Gallagher submitted a memorandum dated March 30, 2012, outlining budget transfers. This report is Attachment "B" to these minutes.

A motion was made by Mayor James, with a second by Commissioner Brooks approving the budget transfers as presented. The vote was 5-0 in favor.

c. East Patrol Division/Crime Lab.

Mr. Eric Bosch, City Architects Office, and Head Architect Reeves Wiedeman, with Helix Architecture, were present to discuss the Helix Phase II contract and provided a brief update of the current project. Mr. Wiedeman introduced a team of architects, Judy Wellner, Devin Case, and Diana Page who are working on this project. Mr. Wiedeman discussed the site layout.

Commissioner Pelofsky inquired about the WBE/MBE participation.

Commissioner Brooks asked if the new buildings will have a Prospect address. Mr. Bosch said the police station will have a Prospect address, but the crime lab will not.

Commissioner Wasson-Hunt asked if the project could move from Gold Standard to Platinum Standard construction. Mr. Bosch said this will be analyzed, but that the cost may make it unfeasible.

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Commissioner Brooks requested a list of firms and contractors involved in this project and the level of WBE/MBE participation.

Mayor James asked if the design plan for this campus included any outdoor amenities for the community, like a walking trail, etc. Deputy Chief Gallagher said outdoor amenities are being considered.

Commissioner Brooks inquired about the square footage of the new crime lab. Director Netzel said the current plan is for approximately 60,000 to 65,000 square feet. However, this will not include the areas used for vehicle processing, offices, and training, which will either be in the East Patrol building or in other locations. If all of that space was added in, it would give the crime lab about 80,000 square feet.

Deputy Chief Gallagher presented a memorandum dated March 26, 2012, recommending approval of Helix Architecture & Design funding for Phase II of the East Campus at \$5,592,693 from the public safety sales tax fund.

A motion was made by Commissioner Wasson-Hunt, with a second by Commissioner Pelofsky approving the use of public safety sales tax funds in the amount of \$5,592,693 for Phase II of the East Campus. The vote was 5-0 in favor.

d. South Campus KC Police Credit Union. Mr. David Kenner suggested further review of this contract. This item was tabled until the April 24, 2012, Board meeting.

The Board took a brief recess at 11:00 a.m. and resumed at 11:10 a.m.

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**7. Deputy Chief Patty Higgins.**

- a. Project #439, Personnel Policy #936, Internal Audit Process.

Deputy Chief Higgins said this document is relatively unchanged however, it is being converted from a department memorandum to a personnel policy.

A motion was made by Commissioner Wasson-Hunt, with a second by Mayor James approving the revisions to Personnel Policy #936, Internal Audit Process. The vote was 5-0 in favor.

- b. Project #504, Personnel Policy #543-5, Request for Transfer.

Deputy Chief Higgins said only minor changes were made to this policy.

A motion was made by Commissioner Wasson-Hunt, with a second by Commissioner Brooks approving the revisions to Personnel Policy #543-5, Request for Transfer. The vote was 5-0 in favor.

**8. Future business meeting agenda items.** Commissioner McInerney suggested that Board members submit any topics for future discussion to David Kenner. Mr. Kenner asked if the Board wanted to schedule a meeting to discuss Chief Forté's six-month review. The Board agreed to do the review in special closed session on April 24, 2012, at 8:00 a.m.

**9. Scheduled Meetings:**

Regular Board Meetings:

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

**Tuesday, May 22, 2012  
9:00 a.m., 6<sup>th</sup> floor, Board room**

**Tuesday, June 26, 2012  
9:00 a.m., 6<sup>th</sup> floor, Board room**

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### Business Sessions:

**Thursday, May 10, 2012**  
**9:00 a.m., 6<sup>th</sup> floor, Board room**

**Thursday, June 14, 2012**  
**9:00 a.m., 6<sup>th</sup> floor, Board room**

### Special Meetings:

**Tuesday, April 24, 2012**  
**8:00 a.m., 6<sup>th</sup> floor, Board room**  
**This is a closed meeting being held to discuss personnel matters.**

- 10. Mayor Sylvester “Sly” James, Jr.** Mayor James thanked the Board for conducting a thorough review of the insurance consolidation issue and for collaborating with the City. Mayor James thanked Commissioner McInerney for his leadership during this process.

Mayor James asked about Officer Bailey who was injured in a car wreck recently. Deputy Chief Rose said he was off work on rest until the end of March and she will find out if he is back to work.

Mayor James said it is his perception that this is a new era of communication between the police department and the community. He said it seems that people who perpetrate violence are getting arrested a lot quicker. However, Mayor James said he is frustrated with the number of handguns on the streets of Kansas City possessed by perpetrators of violence. He asked for assistance from the Board and Chief Forté on the issue of guns.

- 11. Commissioner Lisa Pelofsky.** Commissioner Pelofsky said she and Commissioner Brooks attended a recent prayer vigil that was also attended by Major Diane Mozzicato and a couple of officers. Commissioner Pelofsky said

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she is proud to be associated with the Department and appreciated the heartfelt comments made to the community by Major Mozzicato and the officers attending.

**12. Commissioner Wasson-Hunt.** Commissioner Wasson-Hunt thanked Officers Paul King and Tony Stasiak for their excellent assistance in handling an incident in her neighborhood last weekend.

**13. Commissioner Alvin Brooks.** Commissioner Brooks agreed with Commissioner Pelofsky's comments regarding the prayer vigil. He said he appreciates the fact that officers attend and participate in these vigils even on short notice.

Related to guns in Kansas City, Commissioner Brooks said families must look for signs of illegal activity being conducted by young people in their family. He also encouraged the police to stop cars with young people in them because many times these young people have guns in the car.

**14. Commissioner Patrick McInerney.** Commissioner McInerney expressed his gratitude and admiration for Deputy Chief Masters and Deputy Chief Rose in connection with the health care consolidation process.

Commissioner McInerney said he is encouraged by the Department's research into the Cincinnati Project. He encouraged Chief Forté to drive this effort. Chief Forté said this project has not shown long lasting results, however, there will be something to learn from the project.

A motion was made by Commissioner Wasson-Hunt, seconded by Commissioner Brooks, and by vote indicated below, to adjourn its open meeting

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at 11:35 a.m. and reconvene in closed session at 11:40 a.m. as provided in the following resolution. The vote was 5-0 in favor.

The Mayor left the meeting.

### **RESOLUTION**

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on January 25, 2012, 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 Monday, April 9, 2012, at Police Headquarters Building, 6<sup>th</sup> Floor Board Room, 1125 Locust, 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 Angela Wasson-Hunt	-	Aye
Commissioner Alvin Brooks	-	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 April 9, 2012 in a closed session. Present were Commissioners McInerney, Brooks, Wasson-Hunt and Pelofsky.

1) Following a motion by Commissioner Wasson-Hunt, and a second by Commissioner Brooks, the Board voted to go into closed session to discuss

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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 Wasson-Hunt and a second by Commissioner Pelofsky, the Board voted to approve certain settlement authority. The vote was 4-0 in favor.

3) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Pelofsky, the Board voted to approve the application for continued employment for Detective Janna Eikel. The vote was 4-0 in favor.

4) Following a motion by Commissioner Brooks and a second by Commissioner Pelofsky, the Board voted to approve the closed minutes from the February 28, 2012, and March 20, 2012, meetings. The vote was 4-0 in favor.

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

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President

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Secretary/Attorney