# MINUTES OF THE BOARD OF POLICE COMMISSIONERS MEETING TUESDAY, SEPTEMBER 25, 2012

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Tuesday, September 25, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri.

#### PRESENT:

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

#### ABSENT:

Mayor Sylvester "Sly" James, Jr., Member

This meeting was called to order at 9:07 a.m. by Commissioner Pelofsky. The invocation was provided by Police Chaplain Serita Wright.

### 1. Awards and commendations.

The Special Unit Citation was presented to the Robbery Unit and the Career Criminal Squad for their work in investigating and apprehending the suspects responsible for pattern robberies occurring in 2010 that involved grocery stores over several jurisdictions.

### 2. Mr. Gary White.

Mr. White presented the monthly status report dated September 7, 2012.

He said the draft report for the police video records audit is currently being reviewed internally.

Mr. White said the Citizen Satisfaction Survey will be presented by staff from the City Manager's office.

2. Councilman John Sharp, Public Safety and Emergency Services

Committee. Councilman Sharp discussed the City's copper ordinance, and said
the Missouri Municipal League's Resolutions Committee voted unanimously to
support a statewide law that will regulate recycling facilities requiring proof of
ownership when selling copper to these facilities, and recordkeeping. Wyandotte
County has passed a similar ordinance.

The City is currently holding legislative hearings in preparation for the upcoming session of the General Assembly. Commissioner Brooks asked if the police department and the City integrate their legislative priorities. Chief Forté said the police department receives notices of the City's legislative hearings and said members of the police department frequently attend and testify at these hearings. Councilman Sharp said the City definitely wants to know about the police department's legislative priorities.

Councilman Sharp said an ordinance was recently passed related to the release of inmates from the Regional Correctional Center. Two inmates in need of substance abuse treatment, died after being released early from custody. The ordinance requires that the municipal judge note at the time of sentencing if an offender is subject to any conditions prior to early release, such as substance abuse treatment.

Councilman Sharp said the City Council passed an ordinance requiring that "blunt wraps" are kept behind the counter at businesses that sell these items.

Commissioner Wasson-Hunt requested notice of future legislative meetings.

4. <u>Citizen Satisfaction Survey results</u>. Mr. Gary White introduced Ms. Kate Bender and Ms. Julie Steenson from the City Manager's Office, but they were unable to present information in its entirety due to technical difficulties. This information will be presented to the Board next month.

### 5. <u>City Architects Report.</u>

a. <u>Update on construction</u>. Mr. Eric Bosch provided an update on current construction projects. He said the SPD/SOD project is in its final stages and the dedication ceremony is tentatively scheduled for November.

With regard to renovations at headquarters, construction crews encountered an unforeseen condition related to an underground tunnel that runs between the municipal court building and police headquarters. The original drawings of the tunnel do not show that the tunnel position was actually changed due to rock that was found. The tunnel will need to be lowered to accommodate the current renovation project which will involve moving mechanical equipment and mechanical piping between the buildings that is used to heat and cool the buildings. Mr. Bosch said this will cause a 9 to 12 week delay in construction.

b. <u>East Campus 1% for Art</u>. Mr. Bosch discussed the artwork for the new EPD campus and requested funding approval for the East Campus Art project as outlined in a memorandum dated September 5, 2012. Sixty proposals were narrowed to four for interviews. Commissioner McInerney requested that

this item be tabled because the artist is not from Kansas City. Additionally, Commissioner Wasson-Hunt said it would be helpful if the police department had representation on the Art Commission committee.

A motion was made by Commissioner McInerney with a second by Commissioner Pelofsky to table this matter until the next regular Board meeting. The vote was 4-0 in favor.

### c. <u>East Patrol Campus – Construction Manager at Risk.</u>

A memorandum dated September 5, 2012, was presented that recommended approval of a contract with J.E. Dunn/Alexander for the East Campus project. Public safety sales tax funds will be utilized in the amount of \$48,000,000.

Commissioner Brooks expressed concern about the Section 3 plan and the WBE/MBE goals. Mr. Bill Edwards from J.E. Dunn discussed WBE/MBE and construction manager at risk. He noted that about 40 percent of J.E. Dunn's work is construction manager at risk. Under the construction manager at risk method, J.E. Dunn will not do the construction work itself, but will use subcontractors. There will be an office at the East Patrol site to allow potential subcontractors to gather information. There will be mandatory pre-bid requirements to MBE/WBE and Section 3 contractors.

A motion was made by Commissioner McInerney with a second by Commissioner Brooks approving the construction contract with J.E. Dunn/Alexander and the use of public safety sales tax funds in the amount of \$48,000,000. The vote was 4-0 in favor.

6. <u>Chief Darryl Forté</u>. Chief Forté made a comment about a letter he sent out which discussed the detention unit. He said that letter was to initiate conversation with County Executive Mike Sanders and other elected officials about a regional jail facility. He was not saying that the police department detention facility is closing. Commissioner Brooks supports the idea of a regional jail facility.

#### 7. Board Resolution No. 12-08, Communications Unit.

Commissioner Brooks said he greatly appreciates the work of the Communications Unit saying they are the "backbone" for the officers on the street.

A motion was made by Commissioner Brooks with a second by Commissioner McInerney ratifying Board Resolution No. 12-08, entitled Communications Unit.

- 8. Professional Development and Research Bureau. Deputy Chief Patty Higgins submitted the entrant officer class summary dated September 10, 2012.
  She said this summary represents the 146<sup>th</sup> EOC that currently has 27 recruits.
  They will graduate on December 13, 2012.
- **Investigations Bureau.** Deputy Chief Randy Hundley reported that year-to-date there have been 78 homicides with 84 for the same time period last year. Deputy Chief Hundley said there are 2,145 cases that have been presented to the prosecutor and charges were filed in 1,667 of these.

With regard to drive-by shootings, there have been 20 in July 2012, as compared to 22 in July 2011.

The Cold Case Sex Crimes backlog disposition is currently at 755 cases in need of review.

Commissioner McInerney said the prosecutor's office recently received a cold case grant and asked if the police department will receive any of those funds. Ms. Linda Netzel indicated that the funds will stay with the prosecutor's office.

Commissioner McInerney noted that recovery of assault weapons and other weapons has increased. He said that is great work.

Deputy Chief Hundley submitted the Narcotics and Vice Summary for August 2012. This report is Attachment "A" and is made a part of these minutes.

Deputy Chief Hundley congratulated Commissioner Brooks for receiving the Community Anti-Drug Coalitions of America (CADCA) Lifetime Distinguished Service Award in Washington, D.C.

- **10.** <u>Executive Services Bureau.</u> Deputy Chief Gallagher presented the following items for Board approval:
- a. <u>2012 COPS Hiring Program grant</u>. A memorandum dated September 14, 2012, was submitted recommending acceptance of an award from the U.S. Department of Justice for \$1,250,000. This award requires a local match of \$495,740 and provides funding for ten new police officers.

A motion was made by Commissioner Brooks with a second by Commissioner Wasson-Hunt approving acceptance of the 2012 COPS Hiring Program grant in the amount of \$1,250,000 requiring a local match of \$495,740 for a total of \$1,745,740. The vote was 4-0 in favor.

- b. <u>Upgrade for Harris equipment</u>. This item was removed from the open session for discussion at the closed session.
- c. Acceptance of the Midwest HIDTA Investigative Support Center Initiative MOU #G12MW0003A. A memorandum dated September 14, 2012, was submitted recommending acceptance of an award from the Kansas Bureau of Investigation in the amount of \$308,855. The funding period for this award is from January 1, 2012 to December 31, 2013. This award provides funding for personnel, equipment, and travel to combat the sale, manufacture, and use of illegal drugs.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks approving acceptance of the Midwest HIDTA Investigative Support Center Initiative MOU for an award in the amount of \$308,855. The vote was 4-0 in favor.

d. <u>Bid No. 2010-1 automotive tires</u>. A memorandum dated September 6, 2012, was submitted recommending approval of a one-year contract with Goodyear Tire & Rubber. This contract renewal period is from October 1, 2012 through September 30, 2013, for an estimated expenditure of \$139,441.40.

A motion was made by Commissioner McInerney with a second by Commissioner Brooks approving the contract renewal with Goodyear Tire & Rubber for the anticipated expenditure of \$139,441.40. The vote was 4-0 in favor.

e. <u>Bid No. 2013-2 police uniform contract</u>. A memorandum dated September 13, 2012, was submitted recommending approval of a one year

contract with Alamar Uniforms. The contract period is from October 1, 2012 through September 30, 2013, for an anticipated expenditure of \$379,421.63.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner McInerney approving the contract with Alamar Uniforms for the anticipated expenditure of \$379,421.63. The vote was 4-0 in favor.

f. Acceptance of the DNA Backlog Reduction Program award. A memorandum dated September 14, 2012, was submitted recommending acceptance of an award from the Department of Justice in the amount of \$394,912. The award period is from October 1, 2012 through March 31, 2014. This grant provides salary and benefits for six forensic specialists, one contractor and equipment expenses.

A motion was made by Commissioner Brooks with a second by Commissioner Wasson-Hunt accepting the award from the Department of Justice in the amount of \$394,912 as presented. The vote was 4-0 in favor.

g. <u>LISC No Violence Alliance Project</u>. A memorandum dated September 12, 2012, was submitted recommending acceptance of an award from the Local Initiatives Support Corporation (LISC) in the amount of \$44,000. These funds will allow Captain Joseph McHale to act as the project manager for the NoVA Project.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner McInerney accepting the award from the Local Initiatives Support Corporation in the amount of \$44,000 as presented. The vote was 4-0 in favor.

h. Revision to the Cooperative Disability Investigations Funding Agreement. A memorandum dated September 12, 2012, was submitted recommending acceptance of the modified award from the Social Security Administration. The award has been decreased by \$12,000 due to a two month detective vacancy at the Cooperative Disability Investigations unit. The modified award total is \$287,251. This award is for the period of September 1, 2011 through August 31, 2012.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner McInerney accepting modified award from the Social Security Administration in the amount of \$287,251 as presented. The vote was 4-0 in favor.

- i. <u>Storage area network (SAN) maintenance renewal</u>. Deputy Chief
   Gallagher removed this item for further review.
- j. Award of Traffic Services Project grants for 2013. A memorandum dated September 14, 2012, was submitted recommending acceptance of six traffic service grants from the Missouri Division of Highway Safety. These grants are 100% federally funded for a total of \$600,340. These grants reimburse overtime, equipment and training used for traffic projects. The grant period is from October 1, 2012 through September 30, 2013.

A motion was made by Commissioner Brooks with a second by Commissioner McInerney accepting six Traffic Service Project grants from the Missouri Division of Highway Safety for the total amount of \$600,340. The vote to approve was 4-0 in favor.

k. Adjustments to special revenue funds for fiscal year 2012-13. A memorandum dated September 13, 2012, was submitted to request adjustments of the special revenue accounts related to vehicles, Metro Squad fees, and minor equipment. A copy of this memorandum is Attachment "B" and made a part of these minutes.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks approving the adjustments to special revenue accounts for fiscal year 2012-13. The vote was 4-0 in favor.

### I. Budget transfers for fiscal year 2012-13.

A memorandum dated September 14, 2012, was submitted which outlines the details of these budget transfers. A copy of this memorandum is Attachment "C" and made a part of these minutes.

A motion was made by Commissioner McInerney with a second by Commissioner Brooks approving the budget transfers as presented. The vote was 4-0 in favor.

- m. <u>Law Enforcement Resource Center equipment request</u>. This item was removed from the open session for discussion at the closed session.
- n. <u>Budget Summary Report for the month of August</u>. A memorandum dated September 13, 2012, was submitted for informational purposes only. A copy of this memorandum is Attachment "D" and made a part of these minutes.

### 11. Patrol Bureau.

Deputy Chief Cheryl Rose presented the Monthly Crime Summary for July 2012. This report is Attachment "E" to these minutes. Also submitted was the

August 2012, Traffic Summary which is marked as Attachment "F" to these minutes.

With regard to response times, Deputy Chief Rose advised that the priority 10 goal was met 47 percent of the time.

Deputy Chief Rose reported that year-to-date there have been 44 fatal crashes with 48 for last year during same time period.

Deputy Chief Rose said that two new statistical tables have been added to the Traffic Summary and they are entitled, "DUI/DWR Checkpoint and Wolf Pack Enforcements" and "Commercial Vehicle Enforcement Activity." She stated that the Commercial Vehicle Section performs three types of inspections on commercial vehicles and that violations are frequently found. This five person specialized unit receives a lot of grant funding. Deputy Chief Rose noted that with respect to red light cameras, compliance is up and tickets are down.

Commissioner Brooks inquired as to whether or not charges had been filed on a previous fatality accident involving "drag racing" on Hillcrest Road.

Deputy Chief Rose will find out if charges have been filed.

Commissioner Wasson-Hunt asked what types of violations are typically found on commercial vehicles. Major Rich Lockhart said he will find out and let her know.

Commissioner McInerney asked if the DWR checkpoint was the first of its kind this year. Deputy Chief Rose said no, they have been held several times in the past and are very productive.

Commissioner Wasson-Hunt asked for an explanation of "Wolf Pack Enforcement." Deputy Chief Rose said this is when six to eight officers to drive in a designated area to spot drunk drivers. This program is also very effective.

With regard to the DUI checkpoint held last Friday, Deputy Chief Rose said this was the first checkpoint which displayed large photos in memory of DUI crash victims. The goal is to make drivers more aware of the impact of drunk driving.

Commissioner Pelofsky asked about the E-Ticketing connectivity problems with Sprint. Deputy Chief Rose said there are still some problems.

Commissioner McInerney asked why there were less traffic violation tickets written. Chief Forté explained that he encouraged officers to work on building relationships rather than immediately citing every violation.

## 12. <u>Administration Bureau</u>.

- a. <u>Personnel summary</u>. A/ Deputy Chief Pruetting submitted the Personnel Summary dated August 31, 2012. Current department strength is 1,367 law enforcement personnel compared to 1,386 for this same time period in 2011. There are 583 civilians compared to 571 for the same time period 2011.
- b. <u>Sprint and REJIS update</u>. Manager Mike Grigsby provided an update on Sprint and REJIS. He said it has been one year since the police department implemented REJIS and the new E-Ticketing. He said there have been a number of issues and most have been resolved. With regard to connectivity the police department has worked closely with Sprint and they have retrofitted several police department facilities with custom network solutions for

better connectivity. Manager Grigsby said that E-Ticketing is currently using 3G broadband technology and as new equipment is developed the move to 4G LTE will be made. The E-Ticketing application has received 11 enhancements since 2011. A multi-vendor meeting will be held on October 9, 2012 to identify ways to correct current problems and discuss future enhancements.

Commissioner Pelofsky asked if the problem areas have been identified geographically. Manager Grigsby said within the first two months of going live, a list of locations was developed that had poor signal strength or other issues. As of December 2011, all of the problems at these locations were resolved.

Commissioner McInerney asked if going to 4G LTE will create an issue of incompatibility because the police department currently uses 3G equipment. Manager Grigsby said the device does not have the capability of using 4G LTE, but it can use wireless technology (wifi).

Commissioner Wasson-Hunt asked if the contract with Sprint included a penalty clause. Manager Grigsby is not aware of one.

Commissioner Wasson-Hunt asked when all of the connectivity problems will be completely resolved. Manager Grigsby said with technology we will continue to experience difficulties and the plan is to handle them in the best possible way. Chief Forté said not every officer is having problems with the E-Ticketing system. Those officers who use the system on a regular basis write a large number of tickets.

Manager Grigsby said REJIS refresher classes and forums are held for police department members on a monthly basis.

### c. OCC investigations.

A/ Deputy Chief Pruetting submitted the monthly OCC investigations report dated September 5, 2012. There were 22 OCC's under investigation at the end of August, none of which were granted extensions beyond 60 days. IAU has received a total of 109 OCC's this year compared to 144 during the same period last year. There were 105 investigations that were completed and forwarded to OCC compared to 142 for the same period last year.

d. <u>Private Officers license appeal, George Scott.</u> A/ Deputy Chief Pruetting presented the Private Officers license appeal of Mr. Scott. The basis for the denial of Mr. Scott's private security license is his termination from the police department on March 30, 2010. A denial on this basis is consistent with the provisions of Title 17 of the Code of State Regulations, Section 10-2.050 (5) (F).

A motion was made by Commissioner McInerney with a second by Commissioner Wasson-Hunt to uphold the denial of the private security license of George Scott. The vote to approve was 3-0 in favor. Commissioner Brooks abstained.

e. <u>B & E appeal/motions/briefs</u>. This item was moved from the closed agenda for discussion during the open session.

A/ Deputy Chief Pruetting said this appeal is a result of the revocation of the unarmed security license on June 22, 2012. The basis for the revocation was B & E continuing to provide armed security services through a third party agreement with another security company after B & E's security license had been

revoked. The Private Officers license unit determined this was an attempt to circumvent the prohibition against providing armed security services and based on the recent history of violations and sanctions there was reasonable cause to believe it was necessary to suspend B & E's license to protect the public safety and welfare in accordance with Title 17.

Ms. Virginia Murray said a hearing is scheduled in Jackson County Circuit Court for early in 2013 pertaining to B & E's armed license. With regard to the unarmed license, the court issued a temporary restraining order and said after the Board rules on the unarmed license revocation, parties involved will have 30 days to petition the court for reversal.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner McInerney to uphold the revocation of the unarmed security license of B & E Security. Commissioner Brooks abstained from this vote. The vote was 3-0 in favor.

### 13. Ms. I. Pearl Fain.

Ms. Fain presented the monthly statistical report for August 2012. This report is maintained in the Office of Community Complaints. OCC received a total of 32 complaints for the month of August 2012, and 14 of these complaints were submitted to the Internal Affairs Unit for Investigation.

- **14.** Audit Committee update. Commissioner Wasson-Hunt had nothing to report at this time.
- **15.** <u>Fraternal Order of Police Lodge No. 99</u>. Officer Steve Miller had nothing to report at this time.

**16. Mr. David Kenner.** Mr. Kenner presented Board Resolution No. 12-06, entitled Designation of Records Custodian and handling of Sunshine Law Requests.

A motion was made by Commissioner McInerney with a second by Commissioner Wasson-Hunt ratifying Board Resolution No. 12-06, entitled Designation of Records Custodian and handling of Sunshine Law Requests. The vote was 4-0 in favor.

Mr. Kenner presented Board Resolution No. 12-07, entitled Kevin E. Masters. This will be presented to Deputy Chief Masters at his formal retirement ceremony scheduled for October 8, 2012.

A motion was made by Commissioner McInerney with a second by Commissioner Brooks ratifying Board Resolution No. 12-07, entitled Kevin E. Masters. The vote was 4-0 in favor.

## 17. <u>Scheduled meetings</u>.

<u>Legislative Committee Meeting:</u>

Tuesday, October 23, 2012 8:00 a.m., 6<sup>th</sup> floor, Board room

#### Regular Board Meetings:

Tuesday, October 23, 2012 9:00 a.m., 6<sup>th</sup> floor, Board room

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

Tuesday, December 18, 2012 9:00 a.m., South Patrol Division, 9701 Marion Park Drive, Multipurpose building

### Special Meeting:

Public Safety and Emergency Services Committee Meeting Wednesday, October 24, 2012 10:30 a.m., 414 E. 12<sup>th</sup> Street, 26<sup>th</sup> floor, Council Chambers The Board will attend this meeting at City Hall.

### **Board Hearing:**

In the Matter of the Disciplinary Proceedings of: Police Officer James E. Rios Tuesday, November 20, 2012 1:00 p.m. to 3:00 p.m., 6<sup>th</sup> floor, Board room

Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Brooks, the Board voted to go into closed session to discuss legal matters, employment matters, litigation matters and confidential computer equipment. The vote was 4-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, and Commissioner Wasson-Hunt voted Aye.

Commissioner Brooks left the meeting.

#### RESOLUTION

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on July 17, 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 Tuesday, September 25, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri, for the purpose of discussing legal matters, employment matters, litigation matters, and confidential computer equipment.

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

Commissioner Lisa T. Pelofsky - Aye
Commissioner Alvin Brooks - Aye
Commissioner Angela Wasson-Hunt - Aye
Commissioner Patrick A. McInerney - 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.

- 1) Following a motion by Commissioner McInerney and second by Commissioner Wasson-Hunt, the Board voted to approve the upgrade of the Harris equipment and the expenditure of \$150,200 for the purchase of this equipment. The vote was 3-0 in favor.
- 2) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner McInerney, the Board voted to approve creation of the Law Enforcement Resource Center, the purchase of equipment therefore, and the expenditure of \$2,028,105.30 for the purchase of this equipment. The vote was 3-0 in favor.
- 3) Following a motion by Commissioner McInerney and a second by Commissioner Wasson-Hunt, the Board voted to go out of closed session and adjourn. The vote was 3-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Commissioner McInerney voted Aye, and Commissioner Wasson-Hunt voted Aye.

	President
Secretary/Attorney	