

**MINUTES OF THE
BOARD OF POLICE COMMISSIONERS
LEGISLATIVE COMMITTEE
TUESDAY, OCTOBER 23, 2012**

The Legislative Committee meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Tuesday, October 23, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri.

PRESENT:

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

ABSENT:

Mayor Sylvester "Sly" James, Jr., Member

The meeting was called to order at 8:13 a.m. by Commissioner Pelofsky.

1. 2013 Legislative preview.

Mr. Andy Arnold and Mr. Jewell Patek of Arnold & Associates submitted a 2013 legislative preview report, dated October 23, 2012. This report is marked as Attachment "A" and made a part of these minutes.

Mr. Arnold discussed changes in house and senate leadership for 2013. There is a race for the office of majority leader as well as speaker pro-tem.

With regard to the upcoming 2012 election, all house 163 seats and 17 of the 34 senate seats are up for election on November 6, 2012. Several Kansas City area representatives are leaving due to term limits or a decision to run for higher office.

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Mr. Arnold discussed some issues of interest related to law enforcement, criminal sentencing, state budget, labor issues, tax credit reform and education reform.

Commissioner McInerney asked about criminal sentencing. Mr. Arnold said there is a joint committee that is examining every aspect of the criminal code to try and simplify and establish guidelines for criminal offenses and sentencing laws.

He discussed the estimated budget shortfall of \$300 million to \$500 million. Commissioner Wasson-Hunt asked how much money the passage of the cigarette tax would create for the budget. Mr. Arnold estimated it would create \$280 million to \$490 million. If passed a portion of the money will go toward school districts.

With regard to potential law enforcement changes, Mr. Arnold reported that some cities and counties want the law changed that will require a prescription for certain over-the-counter medicines that are used in the production of methamphetamine.

Mr. Kenner asked about the Sunshine Act. Mr. Arnold said this legislation did not go through because there was disagreement over the opening of closed records.

A motion was made by Commissioner McInerney with a second by Commissioner Wasson-Hunt to adjourn this meeting at 8:56 a.m.

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President

Secretary/Attorney

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PRESENT:

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

This meeting was called to order at 9:07 a.m. by Commissioner Pelofsky. The invocation was provided by Rabbi Herbert Mandl.

1. Awards and commendations.

Police Officer Dan Watts received the annual CIT Award for his work in assisting a mentally ill woman who was living alone in deplorable conditions. He coordinated with several different mental health agencies and she was eventually placed into state custody.

A Special Unit Citation was awarded to the South Patrol Property Crimes for initiating a special assignment program for patrol officers. The program taught patrol officers how to conduct investigations from start to finish. The special assignment officers worked 271 cases in 2011, and were able to break up several major property crime patterns.

The Board took a recess at 9:19 a.m. and resumed at 9:31 a.m.

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2. Crime Stoppers Report. Mr. Barry Mayer provided the September 2012 Crime Stoppers update. Mr. Mayer reported that some members of the Crime Commission attended the 2012 Crime Stoppers Conference in Las Vegas. At the conference the Kansas City Crime Stoppers received the 2012 Productivity Award and the Radio Media Award. Detective Kevin Boehm was elected as an at-large Board member for Crime Stoppers USA and appointed to the Law Enforcement and Training Committees. Mr. Mayer also invited people to attend the Crime Stoppers party at Arrowhead on October 27th.

Mr. Mayer said that Media Specialist Jim Strahle from recently assisted Crime Stoppers with a PSA that was posted on You Tube.

Commissioner Pelofsky thanked Mr. Mayer for inviting the Board to the recent Crime Stoppers luncheon.

3. Mr. Gary White.

Mr. White presented the monthly status report dated October 12, 2012. He said quality assurance has been completed on the police video records audit and a meeting has been scheduled with Chief Forté to review the contents and recommendations of the report. The Chief will then have 30 days to provide a written response to the audit.

Commissioner McInerney inquired as to what the scope statement will include for the traffic management audit. Mr. White said the Auditor's Office is still in the planning stages of this audit and have not yet developed the scope statement.

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4. Councilman John Sharp, Public Safety and Emergency Services Committee.

Councilman Sharp and Councilman Jermaine Reed thanked the police department for working with citizens who live in the new East Patrol Division and crime lab construction area.

Councilman Sharp said the City Council passed an ordinance which addresses the buying and selling of copper and other precious metals. The City will push for a similar statewide law. The Missouri Municipal League will make this a major priority as will AT&T and other utilities.

He said ordinances dealing on the following issues will be introduced: Receiving stolen property, picketing at funerals (paralleling an ordinance that was just approved by the 8th Circuit Court of Appeals), red light cameras, and an ordinance against promoting prostitution.

Councilman Sharp said he is looking forward to the Board's attendance at the Public Safety and Emergency Services Committee meeting scheduled for October 24 at 10:30 a.m.

5. Citizen Satisfaction Survey results. Ms. Kate Bender and Ms. Julie Steenson from the City Manager's Office presented the results of the 2012 Citizen Satisfaction Survey. Ms. Steenson said the authority for the survey has been moved from the City Auditor's office to the City Manager's office to integrate the data and analysis from the survey into the overall data management and decision making framework under the performance management program.

Ms. Steenson said 9000 households were sampled which resulted in about 4800 individuals who actually answered the survey. She noted a feature of the survey

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that not only asks citizens to rank their level of satisfaction, but to indicate what is important to them.

There were no significant changes in the satisfaction or dissatisfaction rate for the categories of overall effort to prevent crime, visibility of police in neighborhoods, quality of police protection, how quickly police respond, enforcement of traffic laws and overall feelings of safety. There was, however, significant improvement in the satisfaction rate related to parking enforcement services.

Commissioners Pelofsky and McInerney inquired about the nature of certain questions. Commissioner Pelofsky asked about the ages of the respondents to the survey. Ms. Steenson was unaware of the ages of the respondents.

Mayor James commended Mr. Bender and Ms. Steenson for their good work. Commissioner Pelofsky also thanked them.

6. Approval of the minutes.

A motion was made by Mayor James, with a second by Commissioner Wasson-Hunt approving the minutes of the August 28, 2012 board meeting. The vote was 5-0 in favor.

7. City Architects Report.

Mr. Eric Bosch provided an update on current construction projects. With regard to the headquarters renovation, the work on the tunnel is ahead of schedule.

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Mr. Bosch said thanks to Councilman Reed there have been some productive community meetings, with more scheduled, to meet with the residents and discuss the new EPD and crime lab. Mr. Bosch said he is in the process of getting J.E. Dunn's contract approved for this project, and anticipates taking it to the City Council this week.

With regard to the new SPD/SOD, the tentative date for the dedication of the building is November 15, 2012.

Commissioner Pelofsky asked, what is the anticipated date for completion of the headquarters project? Mr. Bosch responded that he was unsure because the tunnel repairs have added time, but that he believes they can catch up most of the tunnel-related delays.

Commissioner McInerney thanked Mr. Bosch, Major Sharon Lanningham and Mr. Porter Arneill for meeting with him to discuss the art project for the new EPD.

8. Chief Darryl Forté. Chief Forté said with this being the first anniversary of becoming Chief, he thanked Mayor James, the Board and all of the members of the Department for helping to make it a smooth transition.

He said there was an organizational development meeting held last Friday and he was very impressed with the presentations made by the management staff. He said the entire Department will be invited to future organizational development meetings and everyone will have the opportunity to speak.

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Chief Forté mentioned the promotion of Captain Shawn Wadle and said positive members who want to see the department grow will be chosen for promotion rather than those with a negative attitude.

Chief Forté said an open forum will be held for Department members on November 2 that will allow members to meet members of the command staff and ask questions.

Chief Forté reminded everyone about the homicide forum scheduled for this evening for family members of homicide victims. Commissioner Brooks thanked Chief Forté and Captain Floyd Mitchell for hosting the homicide forum. Commissioner McInerney agreed with Commissioner Brooks and he also commended the Chief for holding the internal forums.

Commissioner Wasson-Hunt thanked Chief Forté for his excellent work during his first year as Chief.

9. Administration Bureau.

a. Personnel summary. A/ Deputy Chief Pruetting submitted the personnel summary dated September 30, 2012. Current department strength is 1,360 law enforcement personnel compared to 1,386 for this same time period in 2011. There are 581 civilians compared to 571 for the same time period 2011.

b. Deferred compensation plan amendment. Captain Bob McLees said department will now offer the ING Roth 457(b) investment option to its members as outlined in a memorandum dated September 21, 2012.

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A motion was made by Commissioner Brooks, with a second by Commissioner McInerney approving the implementation of the ING Roth 457(b) investment option. The vote was 5-0 in favor.

c. Appointment of new member to Deferred Compensation Committee. A/ Deputy Chief Pruetting presented a memorandum dated October 8, 2012, recommending that Captain Dan Haley be appointed as a member of the Deferred Compensation Committee.

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

d. Private Officers License Appeal, Mr. Raymond E. Parrish.

A/ Deputy Chief Pruetting presented the Private Officers license appeal of Mr. Parrish. The basis for the denial of Mr. Parrish's private security license was his conviction for indecent exposure on October 30, 2007. A denial on this basis is consistent with the provisions of Title 17 of the Code of State Regulations, Section 10-2.050 (4) (G).

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 5-0 in favor.

e. Follow up to pay reclassification requests for OCC. This item was submitted as an informational item only. Ms. Fain wants an opportunity to respond to the report, so discussion will be deferred to a later date.

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f. Monthly report, OCC investigations. A/ Deputy Chief Pruetting submitted the monthly OCC investigations report dated October 3, 2012. There were 23 OCC's under investigation at the end of September, none of which were granted extensions beyond 60 days. IAU has received a total of 120 OCC's this year compared to 163 during the same period last year. There were 117 investigations that were completed and forwarded to OCC compared to 169 for the same period last year.

10. Investigations Bureau. Deputy Chief Randy Hundley reported that year-to-date there have been 89 homicides with 88 for the same time period last year. He said the Homicide Forum will be held this evening for the families of homicide victims. A variety of victim services will be available to assist these families.

Deputy Chief Hundley said there are 2,416 cases that have been presented to the prosecutor and charges were filed in 1,893 of these.

With regard to drive-by shootings, there have been 34 in August 2012, as compared to 20 in August 2011.

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.

Commissioner Wasson-Hunt said she is impressed with the number of firearms that have been recovered and asked if this is a result of focusing on the hot spot areas. Deputy Chief Hundley said there were a couple of significant arrests early this year in which a lot of firearms were recovered.

Mayor James inquired about the goal of the Homicide Forum scheduled for this evening. Chief Forté said originally he planned for it to be a "one-on-one"

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gathering for family members of homicide victims, but it grew into a larger event. Detectives will be there to discuss current cases with the family members and offer services to them.

11. Patrol Bureau.

Deputy Chief Cheryl Rose presented the Monthly Crime Summary for August 2012. This report is Attachment "B" to these minutes. Also submitted was the September 2012, Traffic Summary which is marked as Attachment "C" to these minutes.

With regard to response times, Deputy Chief Rose advised that the priority 10 goal was met 45 percent of the time. The response time goal will be adjusted in January 2013. Chief Forté said we should be careful when adjusting response times, if it is lowered police vehicle accidents may increase.

Commissioner McInerney asked for a geographic benchmark for a city of our size. Deputy Chief Rose said that would be difficult because police departments measure response times differently.

Deputy Chief Rose reported that year-to-date there have been 50 fatal crashes with 54 for the same time period last year. Deputy Chief Rose also submitted the 2012 Third Quarter Fatality Report. Commissioner Wasson-Hunt said she is pleased with the format of this report.

Deputy Chief Rose discussed the "Know Your Limit" program that was recently held in the Waldo area. Portable breathalyzer units were used to test the blood alcohol level of 148 volunteers who were patrons at Tanner's Bar and Grill. Over half of those volunteers were over the legal limit and many of them

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were surprised. Deputy Chief Rose said this program was well received and other bar owners are interested in doing the same.

12. Professional Development and Research Bureau.

a. Entrant officer class summary. Deputy Chief Patty Higgins submitted the entrant officer class summary dated October 3, 2012. This summary represents the 146th and 147th EOC that are currently in session.

b. Consent agenda items.

A motion was made by Commissioner McInerney, with a second by Commissioner Brooks approving Project #320, fiscal procedures policy revision. The vote was 5-0 in favor.

A motion was made by Commissioner Wasson-Hunt, with a second by Commissioner McInerney approving Project #440, ride-along policy. The vote was 5-0 in favor.

13. Executive Services Bureau. Deputy Chief Gallagher presented the following items for Board approval:

a. FY 2013-14 requested budget. Manager Paul Kies provided the Board with an overview of the proposed budget. He said this budget seeks to eliminate all of the law enforcement vacancies and to give pay raises. The total requested budget from all sources is \$222,525,260. This budget seeks an increase of \$500,000 for a grant that will allow the department to hire 10 military veterans, with the grant providing approximately 78 percent of the costs. He said the budget is also asking for an increase of approximately \$200,000 for gasoline.

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Commissioner Pelofsky asked if the department pays sales tax on gasoline. Captain Connelly said that the Department does not pay sales tax and shops for gasoline weekly on the open market to obtain the best price.

Commissioner Brooks asked what positions will be filled with the 10 military veterans. Mr. Kies said these veterans will be hired to fill new sworn positions.

Mr. Kies requested approval from the Board to send the requested budget to City Hall. Commissioner McInerney said he would appreciate more time to read the budget prior to sending it to the City. He suggested that the Board schedule a business session to discuss the budget in the near future.

b. Budget transfers for fiscal year 2012-13.

A memorandum dated October 12, 2012, was submitted which outlines the details of these budget transfers. A copy of this memorandum is Attachment "D" and made a part of these minutes.

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

c. Supplemental Appropriations for fiscal year 2011-12. A memorandum dated October 12, 2012 was submitted requesting Board approval for the establishment of revenues and appropriations in the amount of \$101,474.

A motion was made by Commissioner Brooks, with a second by Mayor James approving the request for supplemental appropriations as presented.

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d. Budget Summary Report for the month of September. A memorandum dated October 11, 2012, was submitted for informational purposes only. Deputy Chief Gallagher noted that under personal services an unfavorable variance of 0.72 percent occurs due to raises awarded April 15 not yet funded in the amount of \$5 million as promised by the City. A copy of this memorandum is Attachment "E" and made a part of these minutes.

e. COBAN Titan in-car video automatic license plate reader (ALPR) system.

A memorandum dated October 11, 2012, was submitted requesting approval of the sole source purchase of 13 Titan in-car video systems and seven Titan ALPR in-car video systems from Coban Technologies. The total anticipated expenditure is \$271,425.

A motion was made by Commissioner Wasson-Hunt, with a second by Commissioner Brooks approving the purchase of equipment from Coban Technologies for a total anticipated expenditure of \$271,425. The vote was 5-0 in favor.

f. Headquarters renovation movable walls and furniture.

Deputy Chief Gallagher asked that this item be tabled at this time.

g. Budget transfers for fiscal year 2012-13.

A memorandum dated October 17, 2012, was submitted which outlines the details of these budget transfers. A copy of this memorandum is Attachment "F" and made a part of these minutes.

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

14. Ms. I. Pearl Fain.

Ms. Fain presented the monthly statistical report for September 2012. This report is maintained in the Office of Community Complaints. OCC received a total of 35 complaints for the month of September 2012, and 17 of these complaints were submitted to the Internal Affairs Unit for Investigation.

Ms. Fain stated that she recently attended the Oversight Conference and found it to be very informative. She recommended that OCC have representation at the next conference. The Board agreed.

15. Audit Committee update. Commissioner Wasson-Hunt had nothing to report at this time.

16. Fraternal Order of Police Lodge No. 99. Officer Steve Miller had nothing to report at this time.

17. Mr. David Kenner. Mr. Kenner presented Board Resolution No. 12-09, entitled Alvin Brooks, for his tireless service and outstanding leadership in Kansas City and throughout America.

A motion was made by Commissioner McInerney with a second by Mayor James ratifying Board Resolution No. 12-09, entitled Alvin Brooks. Commissioner Brooks abstained from voting. The vote was 4-0 in favor.

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After some discussion among the Commissioners, it was agreed to have a business session on November 1, 2012 at 9:00 a.m., to discuss the proposed budget for the next fiscal year.

18. Scheduled meetings.

Regular Board Meetings:

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

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

Business Session:

Thursday, November 1, 2012
9:00 a.m., 6th floor, Board room

Special Meetings:

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

Board Retreat:

Friday, November 9, 2012
9:00 a.m. to noon, Gem Theater, 1601 E. 18th Street, upper room.

19. **Chief Darryl Forté.** Chief Forté thanked Sergeant Ward Smith of the Firearms Section for the study he conducted related to badge placement for plainclothes officers.

20. **Commissioner Angela Wasson-Hunt.** Commissioner Wasson-Hunt thanked Fleet Operations Unit personnel for the tour of the fleet facility she received recently.

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21. Commissioner Alvin Brooks. Commissioner Brooks suggested that the Board and the Department recognize Sergeant Ward Smith for his excellent work. Commissioner Brooks thanked the Board for the resolution honoring him.

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 labor negotiations.

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
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.

1) Following a motion by Commissioner McInerney and a second by Commissioner Brooks, the Board voted to go into closed session to discuss legal matters, employment matters, litigation matters and labor negotiations. The vote was 5-0 in favor. Following polling, Commissioner Pelofsky voted aye, Mayor

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James voted aye, Commissioner Brooks voted aye, Commissioner McInerney voted aye, and Commissioner Wasson-Hunt voted aye.

2) Following a motion by Commissioner Wasson-Hunt and second by Mayor James, the Board voted to approve minutes of the closed meeting on August 28, 2012, as amended. The vote was 5-0 in favor.

3) Following a motion by Commissioner Wasson-Hunt and second by Commissioner McInerney, the Board voted to approve minutes of the closed meeting on September 25, 2012, as amended. The vote was 5-0 in favor.

4) Following a motion by Commissioner Wasson-Hunt and second by Commissioner Brooks, the Board voted to approve minutes of the special closed meeting on October 2, 2012. The vote was 5-0 in favor.

5) Following a motion by Commissioner Wasson-Hunt and second by Commissioner McInerney, the Board voted to approve the application for continued employment by Master Police Officer William E. Ruth. The vote was 5-0 in favor.

6) Following a motion by Commissioner Wasson-Hunt and second by Commissioner McInerney, the Board voted to approve the application for continued employment by Sergeant Randall Sims. The vote was 5-0 in favor.

7) Following a motion by Commissioner Brooks and second by Mayor James, the Board voted to approve the application for continued employment by Police Officer Walton F. Mulloy. The vote was 5-0 in favor.

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8) Following a motion by Commissioner McInerney and second by Mayor James, the Board voted to approve the application for non-duty related disability retirement by Police Officer Nancy Felix-Mullen. The vote was 5-0 in favor.

9) Following a motion by Mayor James and second by Commissioner McInerney, the Board voted to approve the application for duty related disability retirement by Police Officer Todd Butler. The vote was 5-0 in favor.

10) Following a motion by Mayor James and second by Commissioner McInerney, the Board voted to approve the application for duty related disability retirement by Police Officer Oley Denmark. The vote was 5-0 in favor.

Mayor James left the meeting at 12:30 p.m.

11) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Brooks, the Board voted to go out of closed session and adjourn. The vote was 4-0 in favor. Following polling, Commissioner Pelofsky voted aye, Commissioner McInerney voted aye, Commissioner Brooks voted aye and Commissioner Wasson-Hunt voted aye.

President

Secretary/Attorney