Board of Police Commissioners of Kansas City, Missouri		**Section: 500** **Resolution**
Subject: **RESOLUTION OF THE BOARD OF POLICE COMMISSIONERS GOVERNING DISCIPLINARY HEARINGS**		**Number:** **05-06**
Rescinds: **Board of Police Commissioners Resolution 02-6 and Exhibit A**	**Date Approved: September 27, 2005**	**Page:** **1 of 3**

WHEREAS, the Board of Police Commissioners of Kansas City, Missouri (Board) does from time-to-time hear disciplinary matters brought before it pursuant to the provisions of Sections 84.600 and 84.610 of the Revised Statutes of Missouri, and

WHEREAS, the Board believes that all members should receive public hearings as expeditiously as possible, and

WHEREAS, the Board does not have the authority to assign a matter to a hearing officer as established in the case of *Rogers v. Board of Police Commissioners of Kansas City*, 995 S.W.2d 1 (Mo. App. W.D. 1999), and

WHEREAS, the Board believes that a member requesting review before the Board or being processed for review before Board under one of the two statutes set out above has a right to waive a hearing before the Board and request a hearing before an appropriate hearing officer.

NOW THEREFORE, Board establishes the following procedure.

1. In any hearing before the Board under the provisions of Sections 84.600 or 84.610 of the Revised Statutes of Missouri, the member involved may sign a waiver and request a hearing before a designated hearing officer. A copy of the waiver to be signed is attached hereto as Exhibit “A.”

2. Board will establish a panel of seven (7) authorized hearing officers which include the following individuals:

(a) Retired Circuit Judge Jack E. Gant.
(b) Retired Circuit Judge William F. Mauer.
(c) Retired Circuit Judge John I. Moran.
(d) Retired Circuit Judge Lee E. Wells.
(e) Michael Gordon.
(f) Mark Berger.
(g) Basil L. North, Jr.

3. From this list of seven (7), the member and the Chief of Police will alternately and independently strike names from the list with the last remaining name being the designated hearing officer. The parties shall toss a coin to determine whether the Department or the member shall strike the first name on the list of hearing officers.

4. The hearing officer shall be responsible for hearing testimony and receiving other evidence at a time and place to be agreed upon by the parties. The hearing officer will submit to the Board recommended findings of fact and conclusions of law.

5. A transcript of all testimony, copies of all exhibits and the recommendations of the hearing officer will be submitted to the Board for review and approval or disapproval. The decision by the Board will be de novo.

6. The Board may make its determination without further evidence or hearing. The Board may request oral argument by counsel before making its decision.

7. This process may not be implemented until and unless the member involved signs the attached waiver agreeing to this procedure. Failure to do so will result in a formal hearing before the Board as provided by statute.

8. The Board may, from time-to-time, change the names of the persons on the designated list.

RESOLVED this 27rd day of September, 2005.

Board of Police Commissioners of Kansas City, Missouri

_____ Angela Wasson-Hunt President	_____ Terry J. Brady Treasurer
_____ James B. Wilson Vice President	_____ Karl Zobrist Member