

2011 ANNUAL REPORT



THE BOARD OF POLICE
COMMISSIONERS'

OFFICE OF
COMMUNITY
COMPLAINTS

CENTURY TOWERS, SUITE 2102

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KANSAS CITY, MISSOURI 64106

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Table of Contents

Letter from the Director	4
Community Outreach	6
Analysis of Completed Files	7
Five-Year Comparative Statistics	9
Non-Investigated Complaints, Mediations and Conciliations	10
Disposition of Complaints by Category	12
Complaints by Allegation	13
Disposition of Complaints by Finding	14
Complaint Category Definitions	16
Complaint Findings and Dispositions	17
Race and Sex of Complainants	18
Complainants by Age	19
Race and Sex of Members Complained Against	20
Assignment of Members Complained Against	21
Tenure of Members Complained Against	22
Appendices	23
Appendix A: Disposition of Complaints 2007-2011	25
Appendix B: Where to File a Complaint	27
Appendix C: Steps in the Complaint Process	29
Appendix D: O.C.C. Mission Statement	33

BOARD OF POLICE COMMISSIONERS

OFFICE OF COMMUNITY COMPLAINTS

Century Towers, Suite 2102 – 635 Woodland Avenue

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I. PEARL FAIN
DIRECTOR OF OCC

MERRELL R. BENNEKIN
DEPUTY DIRECTOR

June 15, 2012

Dear Board of Police Commissioners and Chief Darryl Forté:

It is with great pleasure that I submit for your review the 2011 Annual Report for the Kansas City, Missouri Board of Police Commissioners' Office of Community Complaints ("O.C.C."). The 2011 Annual Report details O.C.C.'s activities from January 1, 2011 to December 31, 2011, and includes statistics and data regarding the complaints received by the agency.

This is the forty-second year O.C.C. has provided Kansas City with an independent and impartial forum for the investigation and timely resolution of misconduct complaints filed by the public against members of the Kansas City, Missouri Police Department ("Department"). Since its establishment in 1969, O.C.C. has consistently instilled confidence in the complaint process through a firm commitment to the public good, to the mission of the agency and to strict ethical and professional standards.

In 2011, O.C.C. was extremely busy because of outreach efforts such as public speaking engagements, participation in regional and national police oversight conferences, invitations to instruct and speak about the process in neighboring cities, and teaching various law enforcement classes. Further, O.C.C. continued to focus on providing excellent customer service, complaint oversight, job performance and methods to enhance public trust in law enforcement. O.C.C. utilizes its outreach activities as a tool to increase its accessibility to the public and the Department.

During this calendar year, 388 complaints were filed and thoroughly reviewed by O.C.C. This represents a 13% decrease from 2010 when O.C.C. received 447 complaints. This complaint reduction is credited to O.C.C.'s heightened outreach services and the Department's ongoing training programs for its sworn and non-sworn personnel.

I would like to acknowledge the support the Board of Police Commissioners ("Board") has shown O.C.C. in its duty to review and investigate complaints, to make recommendations on investigative findings and to conduct public outreach initiatives. I thank each of the

commissioners for their insight, attentiveness and commitment to the community, the Department and O.C.C.

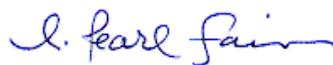
I want to recognize the Department, especially the Internal Affairs Unit, for its professionalism in investigating 207 complaints in 2011. The complaint process has been successful all of these years because of the unbiased manner utilized by the Internal Affairs Unit to investigate complaints. Their integrity, transparency and accountability have created an atmosphere of mutual trust and understanding with the community and O.C.C.

Many thanks also go to O.C.C.'s staff members, and in particular to Ms. Tammy Jarowitz who retired after 32 years of service to the Department and O.C.C. She was a dedicated and committed supervisor whose many talents and services will be sorely missed by O.C.C.

Lastly, to the citizens of Kansas City, I thank you for providing O.C.C. the opportunity to uphold its mission of ensuring professional police services in our community. With your continued support, O.C.C. will carry out its endeavor to inspire trust not only from you, but from the Department and the Board. We enjoy serving you and thank you for supporting our efforts.

I welcome your comments and will be happy to answer questions or provide further information as requested.

Respectfully submitted,

A handwritten signature in blue ink that reads "I. Pearl Fain".

I. Pearl Fain
Director
Office of Community Complaints

Community Outreach

In order for the **Board of Police Commissioners Office of Community Complaints** (“OCC” or “Office”) to accomplish its outreach goals, there must be an open and honest exchange with the population that the office serves. The highest levels of ethics and integrity must be maintained and exemplified not only by the Office, but also by everyone who plays a part in the complaint process.

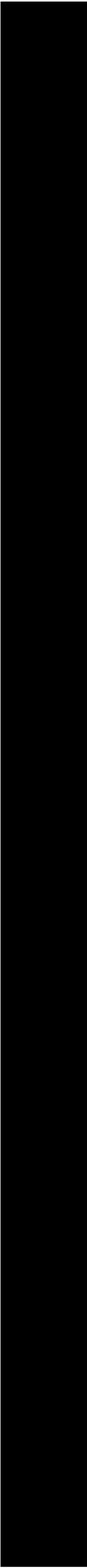
The Office is committed to increasing its outreach activities with other governmental entities, state and local authorities, universities, community and civic organizations, neighborhood associations, civil rights groups, and outreach organizations. The Office will reach out and seek new ways to work with the entire community to achieve the agency’s aims.

Outreach is defined as two-way communication between the agency and the public at large to establish and foster mutual understanding, promote public involvement, and influence behaviors, attitudes and actions with the goal of improving the relationship between law enforcement and the community. Instituting this interactive connection with internal and external constituencies provides a reciprocal benefit that is essential to accomplishing the mission of the Board of Police Commissioners and the Office of Community Complaints.

The Office has recognized the need to continuously work towards improving the community’s understanding of the agency’s mission, to increase its overall presence and visibility, to promote the image of the OCC and the Board of Police Commissioners (“Board”), and to develop lasting partnerships. Improved communication will help the OCC increase the level of trust and faith of the public it serves.

This broad-based outreach strategy is designed to ensure the OCC is building relationships with the community; providing timely and accurate information to constituents; maintaining a clear and consistent message; and increasing visibility of the agency profile, its role (purpose), and how its function benefits the community as a whole. Specific goals, objectives, strategies, and action items are clearly identified in the plan. Not all of the strategies will be implemented immediately and specific activities related to the identified strategies will be dependent upon available resources and agency and Board priorities. In addition, this plan is a “living document” that will be reviewed and updated semi-annually.

Should you wish to have a member of our office staff speak to your group or organization about responsible interaction with the police, the complaint process, or police oversight as a whole, please contact Deputy Director Merrell R. Bennekin at (816) 889-6643.



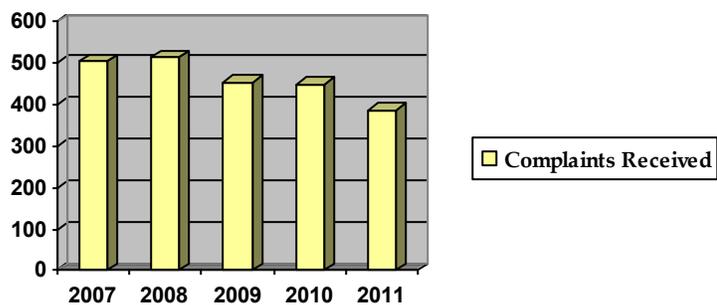
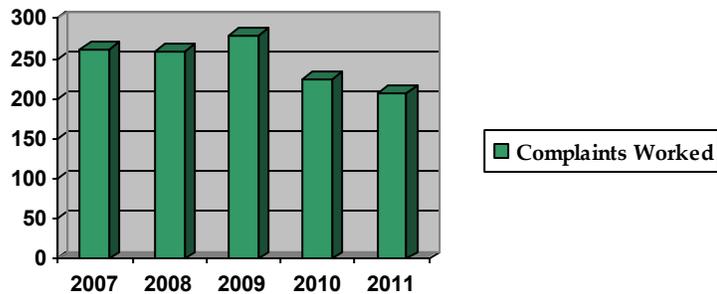
ANALYSIS OF COMPLETED FILES

Five-Year Comparative Statistics 2007—2011

	2007	2008	2009	2010	2011	Average
Complaints Worked	262	259	279	224	207	246
Complaints Received	504	513	454	447	388	461

Complaints Worked refers to complaints returned to the Office of Community Complaints after having been sent to the Internal Affairs Unit for investigation. These cases can be classified by six different dispositions, which are explained later in this document. Those complaints are not necessarily from the same calendar year (i.e., a complaint taken in December 2010 would not have a recommendation made until sometime in 2011). This number does not include cases which were handled by mediation or conciliation (please refer to the section on Non-Investigated Complaints, Mediations, and Conciliations later in this document).

Complaints Received refers to those complaints which were taken at any of the satellite locations, police facilities, or the Office of Community Complaints during the calendar year January 1 – December 31, 2011.



Non-Investigated Complaints (“NIC’s”) Mediations and Conciliations

Each year the Office of Community Complaints receives complaints which are not handled through traditional investigative means. These complaints range from those which are outside the jurisdiction of the Office, to those people who do not cooperate with attempts by the Office to contact them, to anonymous complaints. The following types of complaints are generally classified as **Non-Investigated Complaints (“NIC’s”)**:

- Third-party complaints without a matching complaint from the aggrieved party
- Complaints against non-Kansas City, Missouri Police Department members
- Complaints which occurred more than 90 days before the filing of the complaint
- Anonymous complaints
- Complaints with an obvious lack of violation of police department policy or procedure
- Complaints solely dealing with the issuance of a traffic ticket
- Complaints already being investigated by the Internal Affairs Unit (shootings, issues dealing with an officer’s personal life, etc.)
- Complaints where legal action is filed by the complainant
- Complaints where the complainant is not cooperative with the Office in obtaining additional information
- Complaints withdrawn by the complainant before an investigation, mediation, or conciliation can be performed

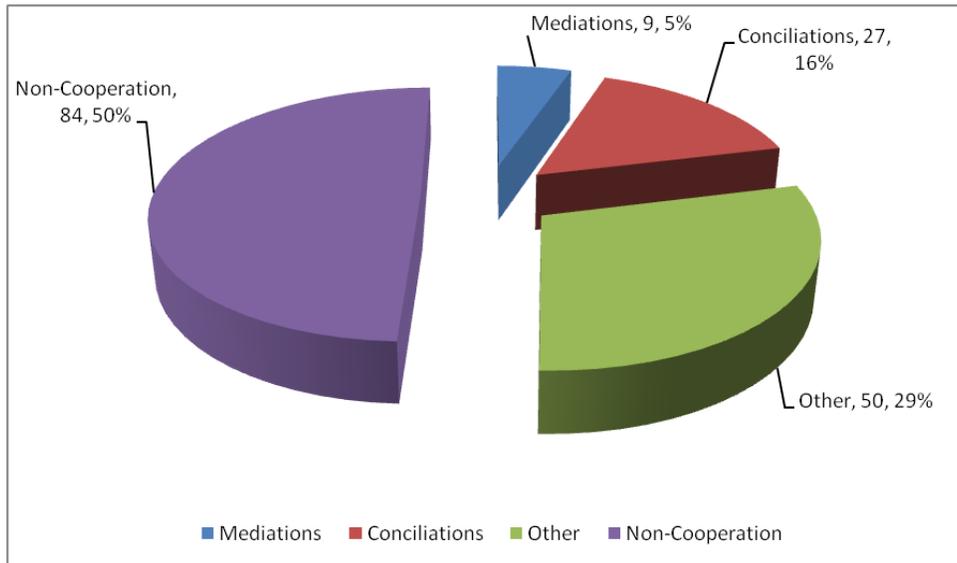
Within the NIC category, however, are those complaints that are mediated or conciliated, and forego a formal investigation by the Internal Affairs Unit. Mediations and Conciliations are classified as NIC’s due to the lack of formal investigation.

Mediation allows a complainant to sit down face-to-face with the Department member with whom they have a grievance in the presence of an independent, third-party mediator who volunteers his or her time to the Office.

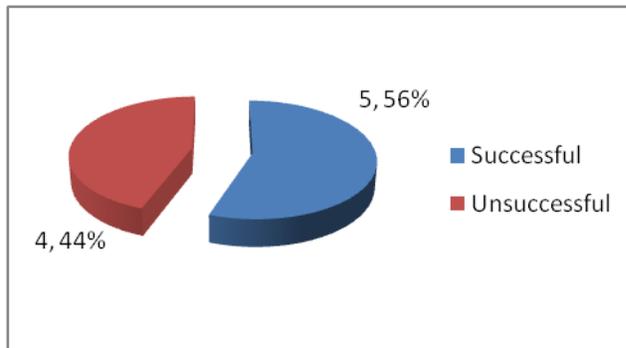
Conciliation is done at the division or unit level, where a supervisor contacts both the complainant and member to obtain a set of facts, and a smaller-scale inquiry into the complaint is done by a supervisor. The complainant is then contacted by the supervisor and receives information regarding how the complaint was handled.

In 2011, 176 NIC's were received in the Office, and 170 were analyzed (consisting of those filed in current and previous years). Of the 170 which were analyzed in 2009, 36 were mediations and conciliations, with 86% percent considered successful. Of the remaining 134 NIC's, 84 were closed for complainant non-cooperation, and 50 fell into other categories.

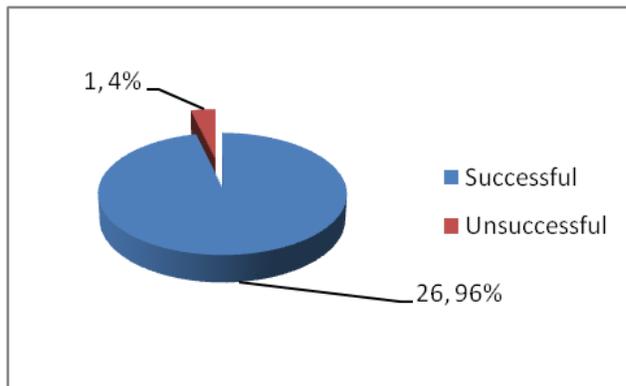
Total Non-Investigated Complaints (170)



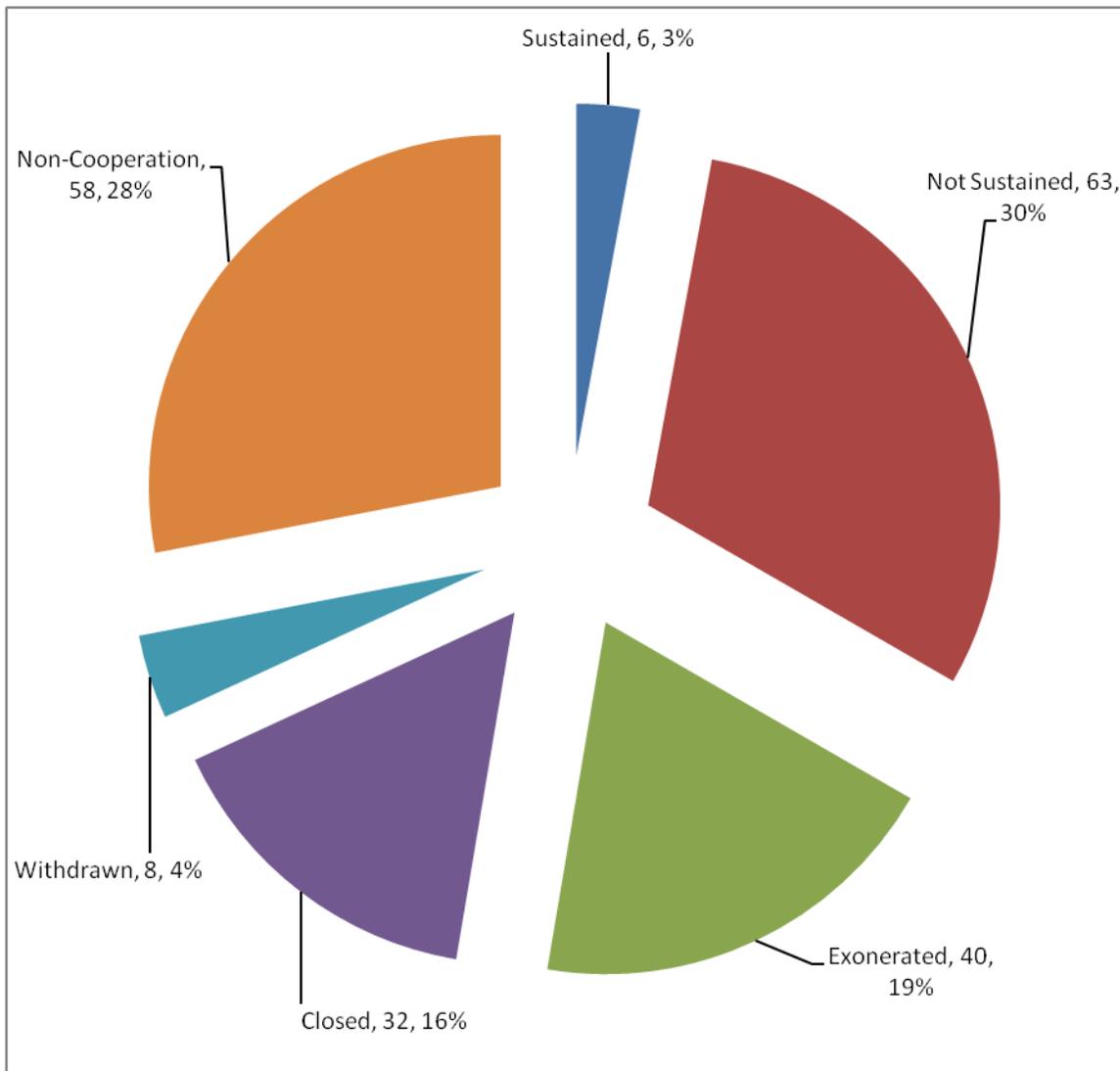
Mediations (9)



Conciliations (27)

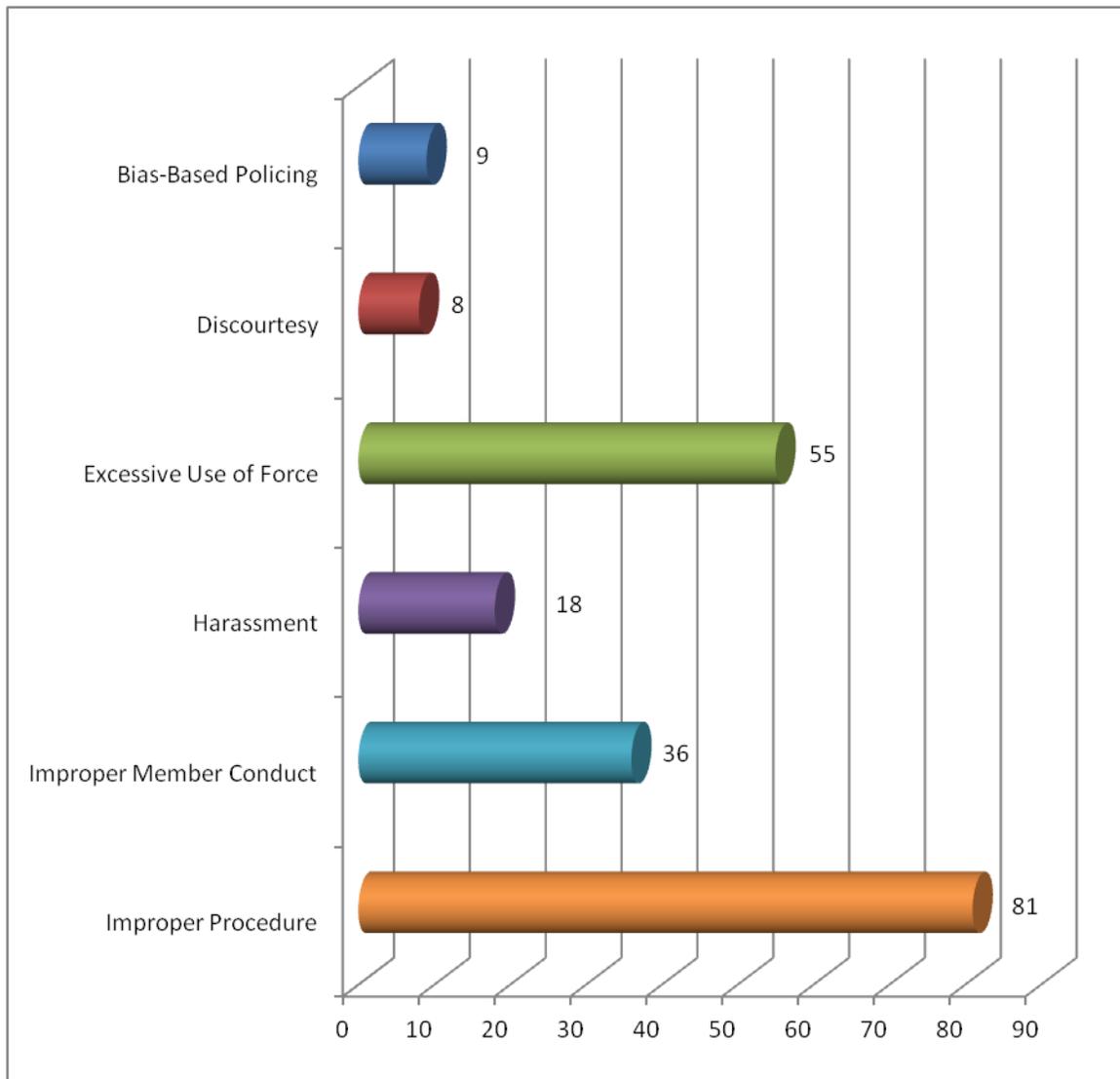


Disposition of Complaints All Categories (207 Complaints)



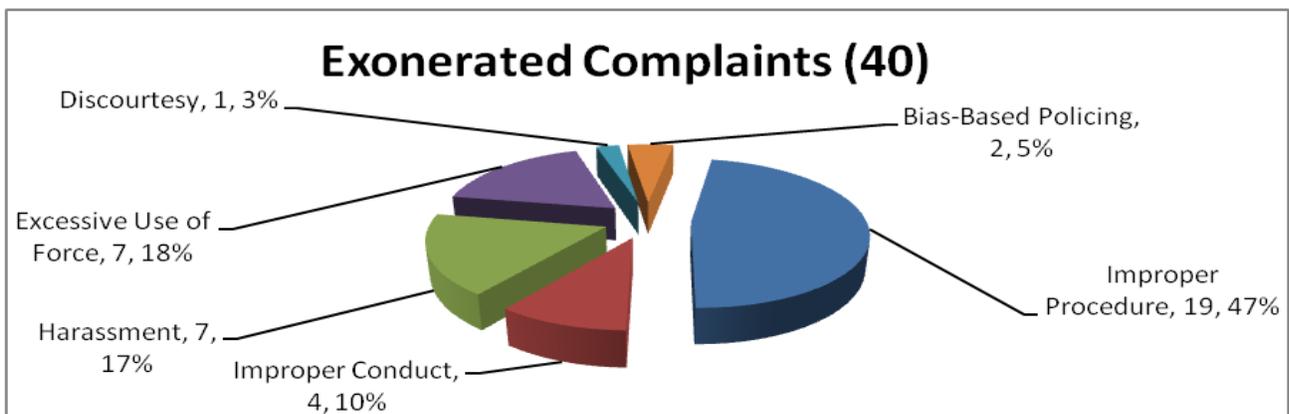
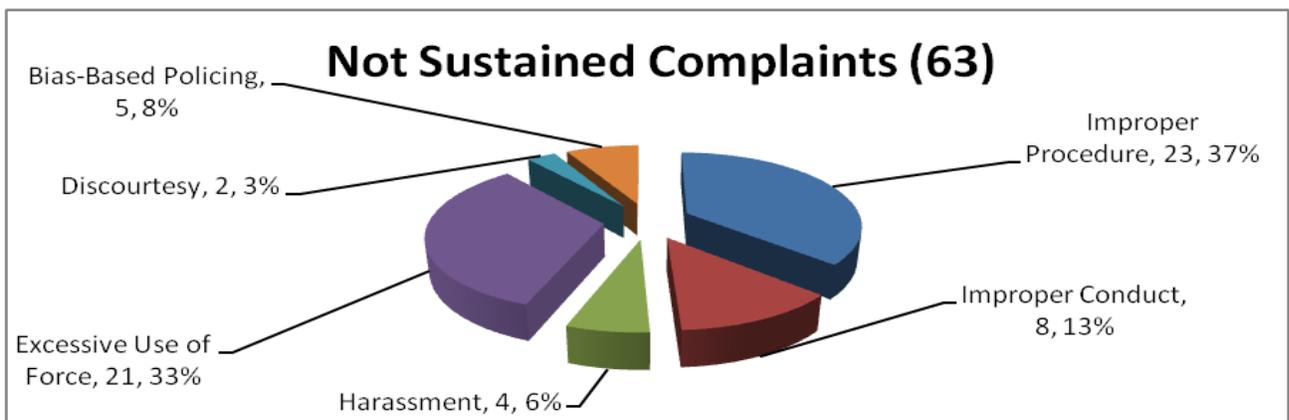
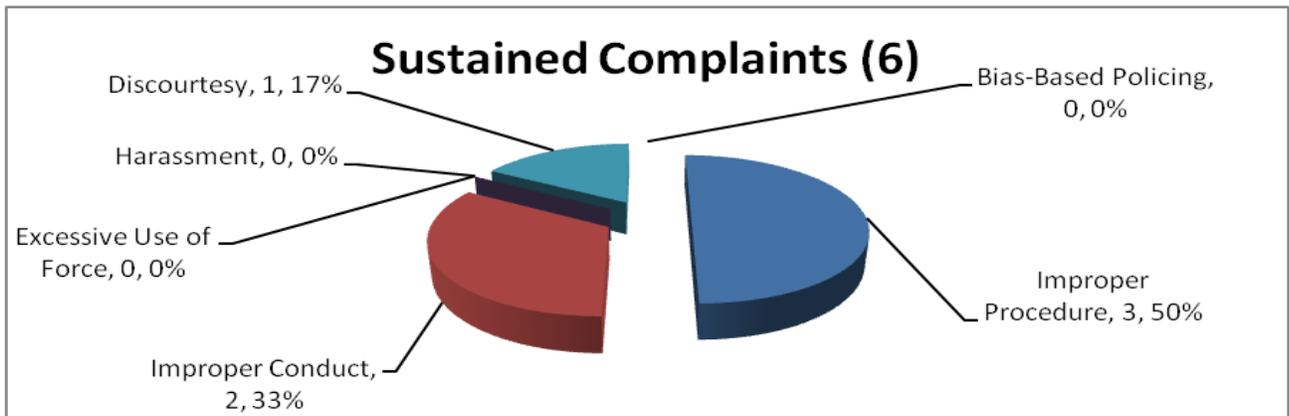
(See page 17 for the definition of each complaint disposition)

Complaints Worked by Allegation (207 Complaints)

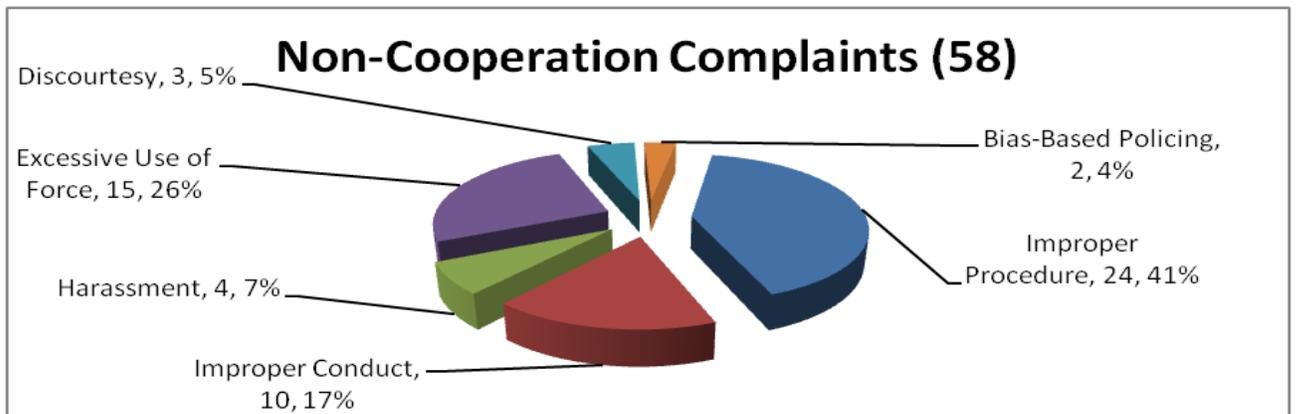
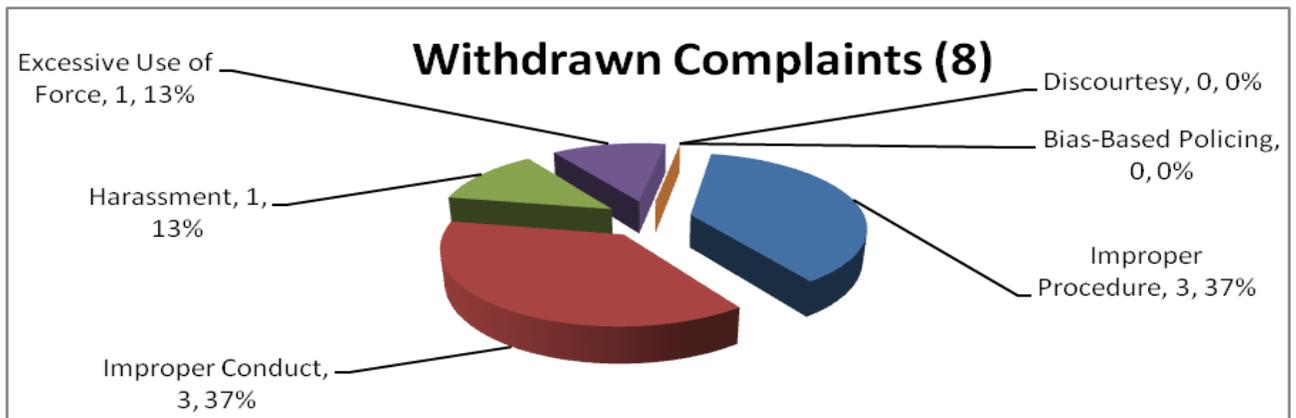
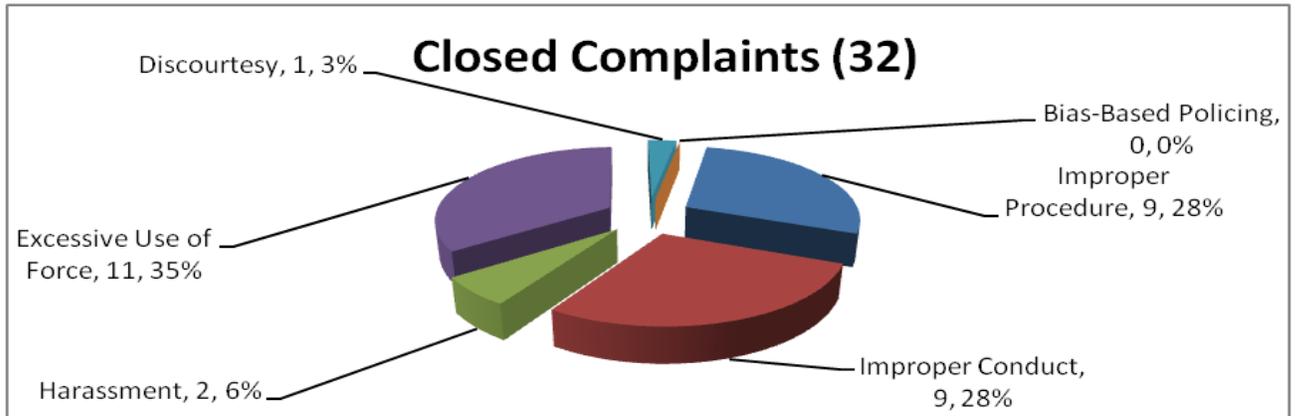


(See page 16 for definitions of the complaint categories)

Disposition of Complaints by Finding



Disposition of Complaints by Finding—Continued



Complaint Category Definitions

Bias-Based Policing: Circumstances where the police actions of a member were substantially based on the race, ethnicity, gender, age, sexual orientation, religious beliefs, disabilities, or national origin of a person, rather than upon lawful and appropriate police procedures.

Discourtesy: Circumstances where the actions or statements of a Department member were in violation of the Code of Ethics or Rules of Conduct of the Department based upon the context of the contact with the complainant. For example, the use of ethnic slurs would be classified as discourtesy.

Excessive Use of Force: Circumstances where a member of the Department used more force than is reasonably necessary to arrest a suspect, take a suspect into custody, stop a suspect for investigation, control a situation, restore order, or maintain discipline.

Harassment: Circumstances where a member of the Department has had repeated or continued contact with a person without lawful police justification.

Improper Member Conduct: Circumstances where the behavior of a member was unprofessional, unjustified, beyond the scope of the authority of the member, unauthorized by Department procedures, or constituted an unreasonable lack of police service.

Improper Procedure: Circumstances where an administrative or procedural requirement was not met. This includes, but is not limited to, improper search and seizure, omission of the Miranda Warning where required, etc.

Complaint Findings and Dispositions

Sustained: The alleged act occurred and was without lawful police justification.

Not Sustained: The evidence fails to prove that an act of misconduct occurred.

Exonerated: The alleged act did occur but the Department member engaged in no misconduct because the actions of the Department member were lawful, justified, and/or proper.

Resolved Without Investigation: Any complaint which is mediated, conciliated, or resolved prior to the Internal Affairs Unit investigation. (Refers to complaints classified as “Non-Investigated Complaints” only.)

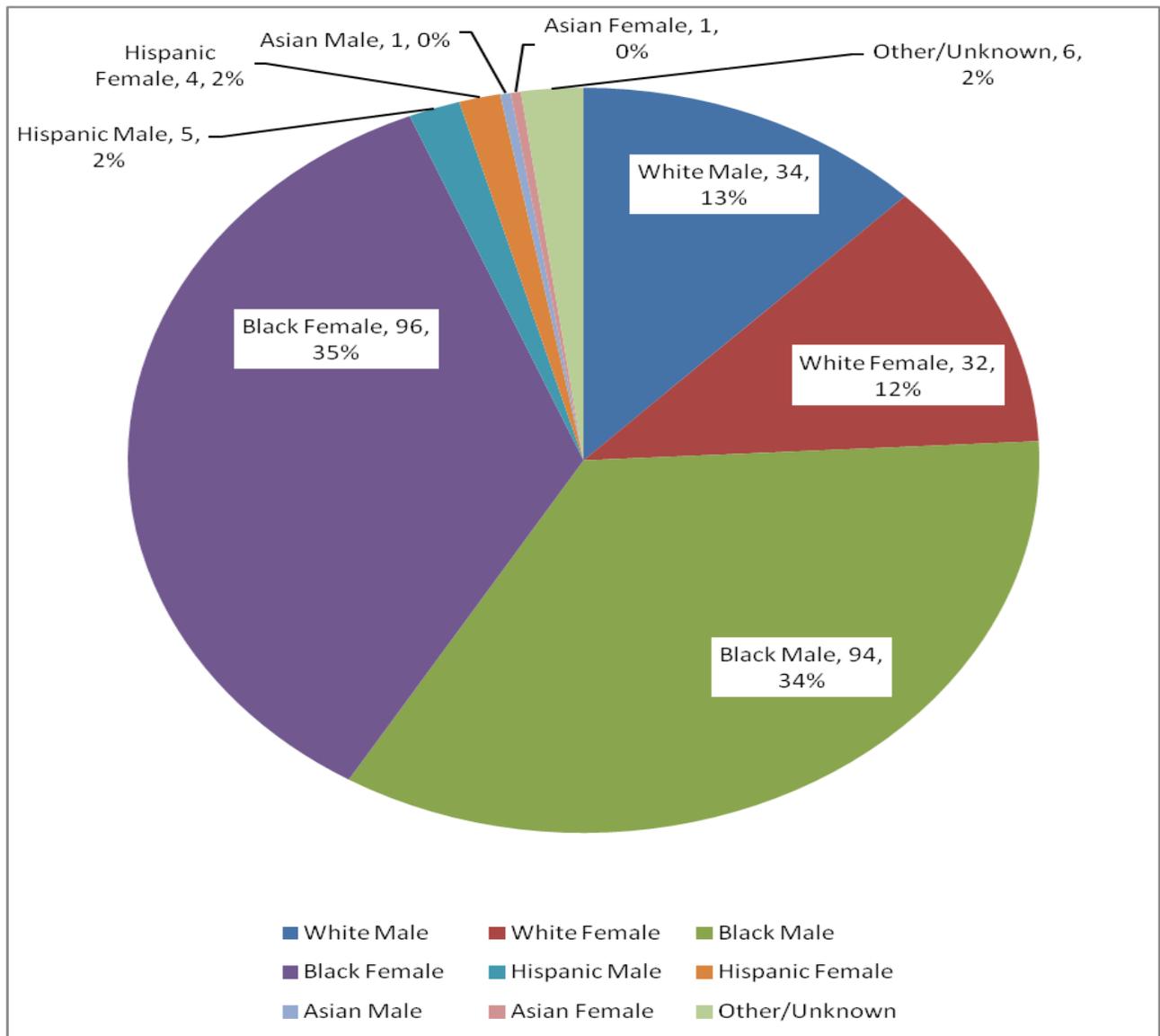
Withdrawn: The complainant did not wish to pursue the complaint.

Non-Cooperation: The complainant failed to cooperate. (Can refer to those complaints classified as “Non-Investigated Complaints” as well as those sent for investigation to the Internal Affairs Unit.)

Closed: The complaint was closed due to the following circumstances:

- ◆ Lack of Jurisdiction
- ◆ No Violation of Policy or Procedure
- ◆ Pending Litigation
- ◆ Anonymity on the part of the complainant
- ◆ Third-party Complaint
- ◆ Pending Police Department Investigation (such as shootings and homicides)

Race and Sex of Complainants

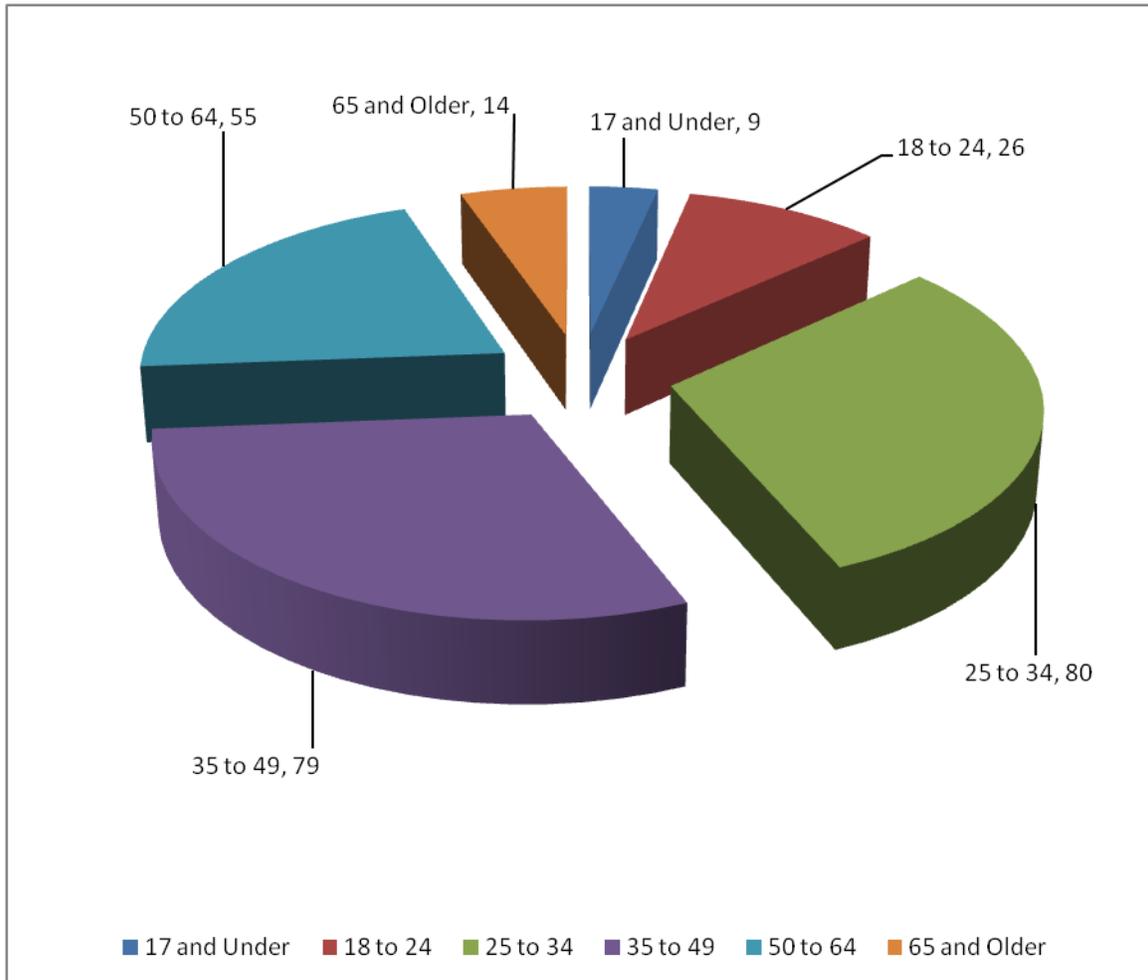


Race and Sex of Complainants by Disposition of Complaint

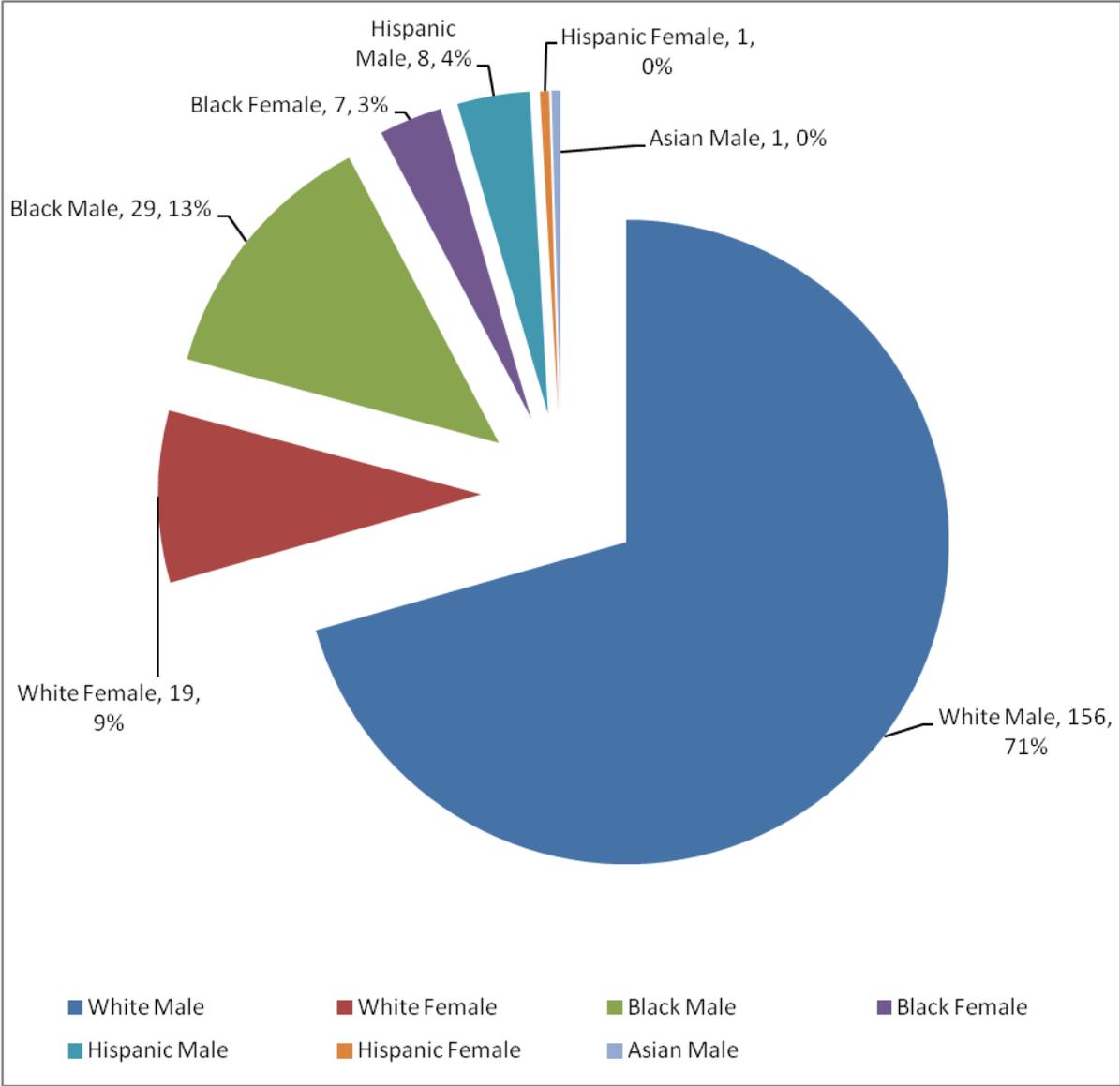
	W/M	W/F	B/M	B/F	H/M	H/F	A/M	A/F	Other
Sustained		3	3	1					
Not Sustained	8	6	29	44	5	3		1	2
Exonerated	11	9	20	10					
Closed	5	7	15	9					2
Withdrawn	1	2	3	2					1
Non-Cooperation	9	5	24	30		1	1		1
TOTAL	34	32	94	96	5	4	1	1	6

Complainants by Age

AGE GROUP	NUMBER	PERCENTAGE
17 and Under	9	3.4%
18 to 24	26	9.9%
25 to 34	80	30.4%
35 to 49	79	30.1%
50 to 64	55	20.9%
65 and Older	14	5.3%
TOTAL	263	100.0%



**Race and Sex of Members Complained Against
(Sustained, Not Sustained, and Exonerated Complaints Only)**



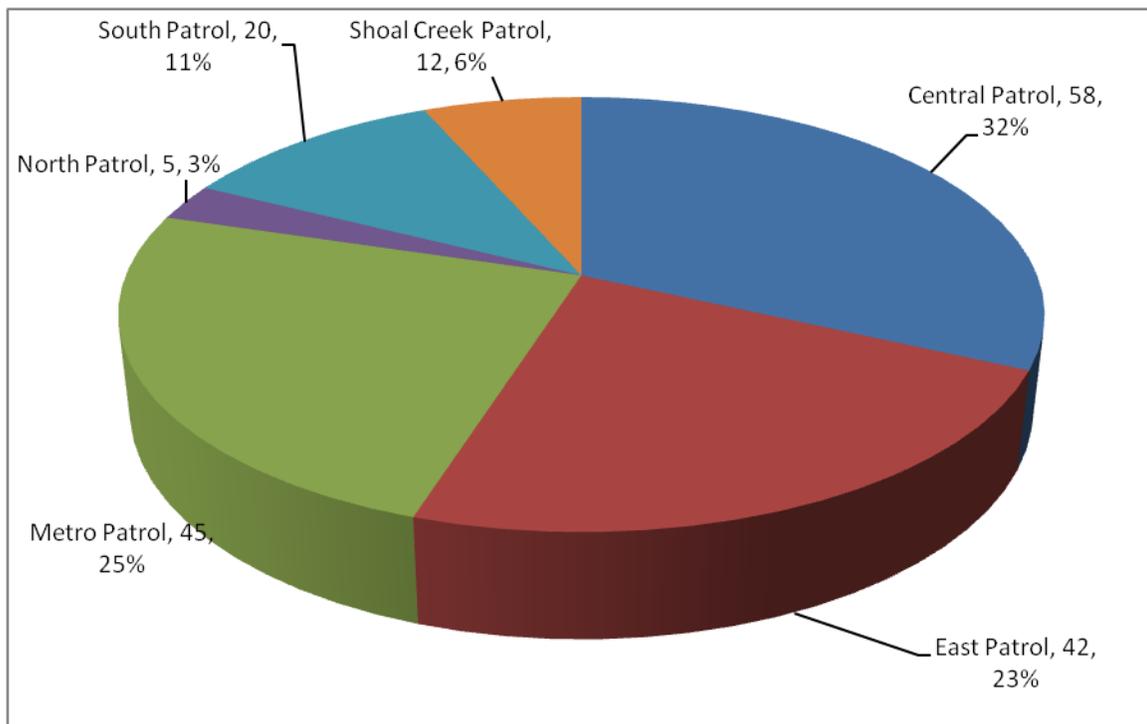
Assignment of Members Complained Against (Sustained, Not Sustained, and Exonerated Complaints Only)

By Type of Unit

Patrol	182	82.4%
Traffic and Parking Control	6	2.7%
Detention	9	4.1%
SNU/DEU (Drug Units)	4	1.8%
Other	20	9.0%
TOTAL	221	100.0%

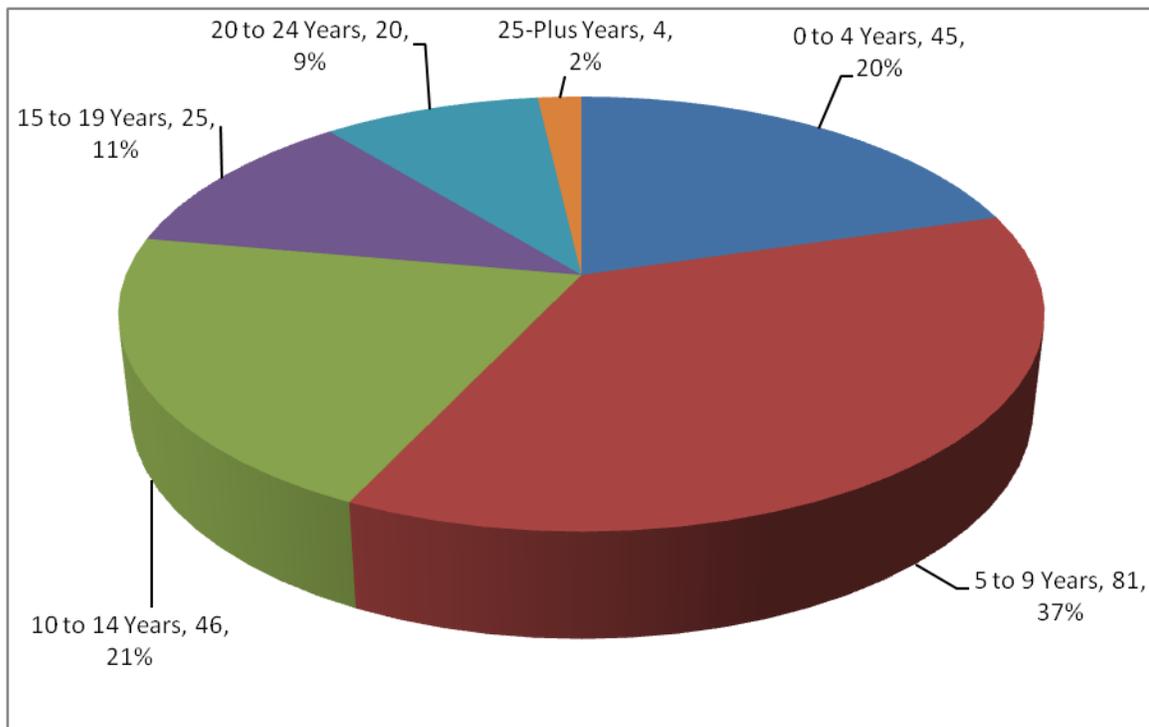
“Other” includes officers assigned to units such as Canine, Juvenile, Tactical Response Teams, Homicide, Investigative elements, Communications, Records, and others.

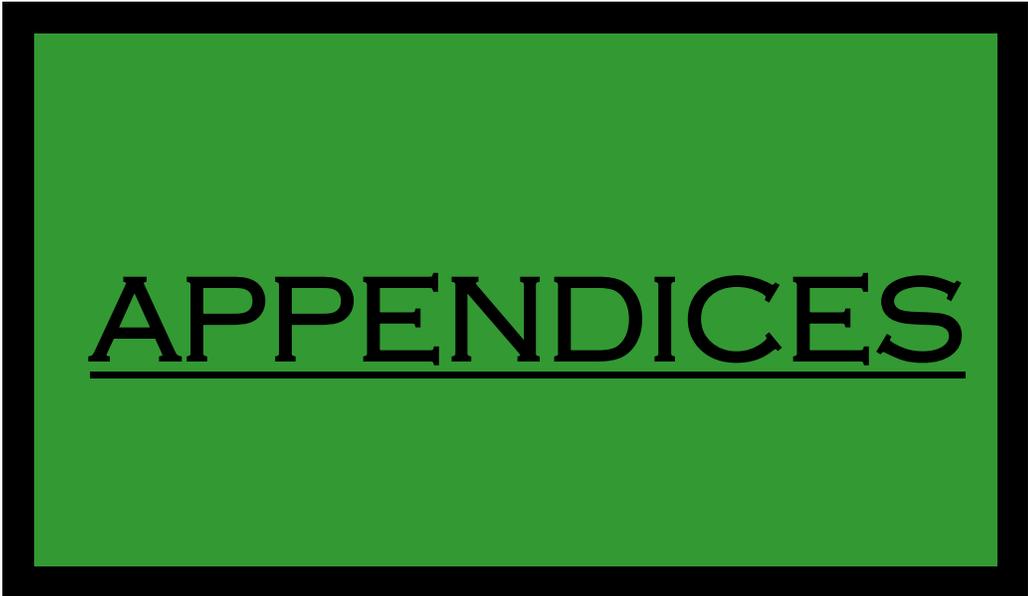
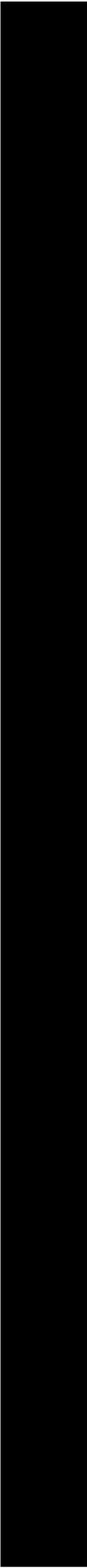
By Patrol Division



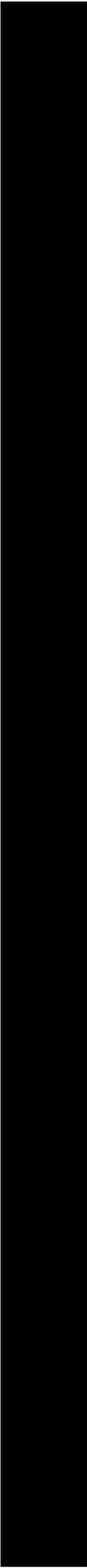
Tenure of Members Complained Against (Sustained, Not Sustained, and Exonerated Complaints Only)

	0 to 4 Years	5 to 9 Years	10 to 14 Years	15 to 19 Years	20 to 24 Years	25-Plus Years
Sustained	1	0	2	2	1	0
Not Sustained	24	48	30	12	12	2
Exonerated	20	33	14	11	7	2
Total & Percentage	45 20.4%	81 36.7%	46 20.8%	25 11.3%	20 9.0%	4 1.8%





APPENDICES



APPENDIX A:
DISPOSITION
OF
COMPLAINTS
2007-2011

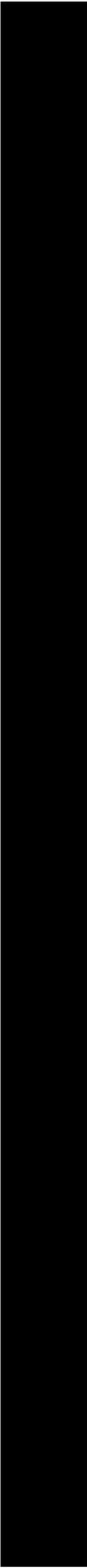
Disposition of Complaints 2007 through 2011

	2007	2008	2009	2010	2011
Sustained	17	20	24	10	6
Not Sustained	107	113	66	74	63
Exonerated	52	27	37	52	40
Closed	31	36	35	33	32
Withdrawn	11	13	13	5	8
Non-Cooperation	44	50	104	50	58
COMPLAINTS REVIEWED	262	259	279	224	207

The number of complaints reviewed in recent years has fluctuated due to the number of complaints received in the Office of Community Complaints (see page 9). However, the breakdown of complaints in regard to their disposition stays proportionate each year, with the percentage of sustained files averaging five (5) percent each year. The following chart shows the five-year average for each of the complaint dispositions.

Five-Year Average by Disposition

<u>Disposition</u>	<u>Five-Year Average</u>
Sustained	6.2%
Not Sustained	34.4%
Exonerated	16.9%
Closed	13.6%
Withdrawn	4.1%
Non-Cooperation	24.8%



**APPENDIX B:
WHERE TO
FILE A
COMPLAINT**

Where to File a Complaint

The Office of Community Complaints

635 Woodland Avenue, Suite 2102
Kansas City, Missouri 64106
(816) 889-6640
Monday-Friday, 8:00 a.m.—4:30 p.m.

Central Patrol Division

1200 E. Linwood Boulevard
Kansas City, Missouri 64109
(816) 234-5510
24 Hours

Police Headquarters, Records Unit

1125 Locust Street
Kansas City, Missouri 64106
(816) 235-5000
24 Hours

Metro Patrol Division

7601 Prospect Avenue
Kansas City, Missouri 64132
(816) 581-0700
24 Hours

East Patrol Division

5301 E. 27th Street
Kansas City, Missouri 64127
(816) 234-5530
24 Hours

Shoal Creek Patrol Division

6801 N.E. Pleasant Valley Road
Kansas City, Missouri 64119
(816) 413-3400
24 Hours

North Patrol Division

1001 N.W. Barry Road
Kansas City, Missouri 64155
(816) 234-5540
24 Hours

Northland Neighborhoods, Inc.

3015 N.E. Vivion Road
Kansas City, Missouri 64119
(816) 454-2000
Monday-Friday, 8:00 a.m.-5:00 p.m.

South Patrol Division

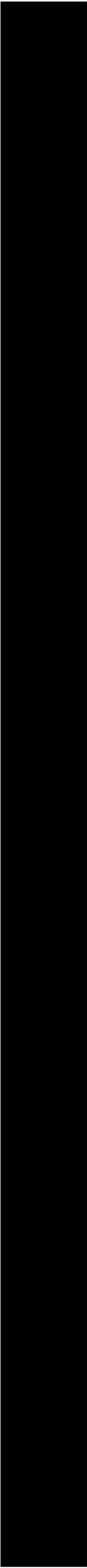
11109 Hickman Mills Drive
Kansas City, Missouri 64134
(816) 234-5550
24 Hours

Westside CAN Center

2130B Jefferson Street
Kansas City, Missouri 64108
(816) 842-1298
Monday-Saturday; 6:00 a.m.-6:00 p.m.
Se Habla Español

Ad-Hoc Group Against Crime

3116 Prospect Avenue
Kansas City, Missouri 64128
(816) 753-1111
Monday-Friday, 9:00 a.m.-5:00 p.m.



APPENDIX C: STEPS IN THE COMPLAINT PROCESS



Steps in the Complaint Process

Under the authority of the Board of Police Commissioners, the Office of Community Complaints is responsible for protecting the citizen from the possibility of abuse or misconduct on the part of the Kansas City, Missouri Police Department. We are also charged with protecting the members of the police department from unjust and unfair accusations. The Office of Community Complaints is committed to effectively and impartially resolving all complaints involving a citizen's guaranteed right to fair and efficient police protection.

The Complaint Process:

- 1) Complaints may be filed at the Office of Community Complaints, Northland Neighborhoods, the Westside CAN Center, the Ad-Hoc Group Against Crime, or the nearest Kansas City, Missouri police station.
 - Complaints must be filed within 90 days of the date of occurrence.
 - Complainants must be at least 17 years of age. Complainants under the age of 17 must be accompanied by a parent or legal guardian who will also be listed as the co-complainant.
- 2) The complaint will be reviewed by the Office of Community Complaints.
 - Complaints will be reviewed by the Director to determine if the complaint is appropriate for investigation.
 - Those complaints that are deemed appropriate for investigation will be forwarded to the Internal Affairs Unit of the Kansas City, Missouri Police Department.
 - Once a complaint has been filed, the complainant must fully cooperate with the Office of Community Complaints during the initial review process to avoid closure of his or her complaint.
- 3) The complainant will be contacted by the Internal Affairs Unit.
 - The complainant will be required to give a formal, verbal statement regarding the allegations listed in the complaint.
 - **It is imperative that the citizen cooperates with the detectives by providing a formal statement to ensure that the complaint is thoroughly investigated.**
 - **If a complainant does not provide a formal statement, the complaint file will be closed without further investigation.**

- 4) The Internal Affairs Unit will investigate the complaint. This involves:
 - Taking formal statements from the complainant(s), officer(s) and witnesses
 - Retrieval of any documentation of the incident
 - Retrieval of dispatch records, departmental video recordings (police vehicles and/or detention centers), and officer logs
 - Retrieval of any information that will enable the Office to arrive at an appropriate recommendation.
- 5) Once the investigation is completed, the findings will be submitted to an O.C.C. Analyst for a detailed review and analysis.
- 6) After the file is reviewed by the Office, the O.C.C. Director will forward the final analysis and recommendation to the Board of Police Commissioners and/or the Chief of Police for review and final approval.
- 7) Following the final approval of the recommendation, the O.C.C. Director will then notify the complainant by letter to inform them of the final disposition of the complaint.

Things to Remember:

- Mediation of the situation is always an option! Be sure to notify the Office if you are interested in mediating the dispute.
- **Under Missouri law it is unlawful to make a false report to the police, hinder or interfere with an investigation, or provide false information to the police.**
- If you have a charge pending before any Court, filing a complaint will not result in the charge being dismissed. The complaint process has no bearing on the court system. The matter must be resolved in court.
- Filing a complaint will not prevent police from conducting legitimate law enforcement-related activities involving you or the area in which you live, work, frequent, or in the location in which the event complained of occurred.

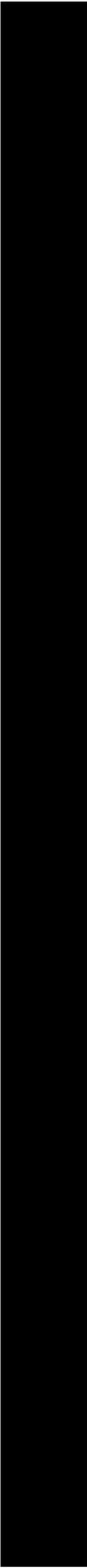
The Office of Community Complaints is eager to assist you in any way possible. If you have any questions concerning the complaint process, please do not hesitate to call the office at (816) 889-6640, or contact one of the below listed analysts for assistance.

If your last name begins with the letter:

A-H	Deputy Director Merrell Bennekin	(816) 889-6643
I-P	Analyst Karen Williams	(816) 889-6644
Q-Z	Analyst Johnnie Ann Crawford	(816) 889-6645

If you are interested in mediation, please contact:

Analyst Michael Walker	(816) 889-6646
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**APPENDIX D:
O.C.C.
MISSION
STATEMENT**

Mission Statement

Under the authority of the Board of Police Commissioners, the Office of Community Complaints (“Office”) is a non-police, civilian oversight agency. The Office has been charged with the responsibility of protecting the citizen from the possibility of abuse or misconduct on the part of the Kansas City, Missouri Police Department. The Office is also entrusted with the duty to protect members of the police department from unjust and unfair accusations. The Office of Community Complaints is committed to effectively and impartially resolving all complaints involving a citizen’s guaranteed right to fair and efficient police protection.

In fulfillment of its mission, the Office has pledged:

- ◆ To encourage members of the community to file complaints when they feel they have experienced police misconduct.
- ◆ To encourage active participation by all parties in the complaint process.
- ◆ To examine carefully each investigative file so as to ensure that all efforts have been made to resolve the complaint.
- ◆ To review all complaints with complete objectivity and impartiality.
- ◆ To respect and protect the rights of both the citizen and the subject officer.
- ◆ To engage in community outreach throughout Kansas City, Missouri to educate the general public concerning the agency’s purpose.
- ◆ To report to the Board of Police Commissioners any patterns of misconduct that are uncovered as a result of investigations and complaint review.
- ◆ To report to the Board of Police Commissioners any and all relevant issues and policy matters that may arise.
- ◆ To proactively identify trends that may need to be addressed by the Regional Police Academy for officer training.

