

2012 ANNUAL REPORT



THE BOARD OF POLICE
COMMISSIONERS'

OFFICE OF
COMMUNITY
COMPLAINTS

CENTURY TOWERS, SUITE 2102

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KANSAS CITY, MISSOURI 64106

(816) 889-6640

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BOARD OF POLICE COMMISSIONERS

OFFICE OF COMMUNITY COMPLAINTS

Century Towers, Suite 2102 – 635 Woodland Avenue

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MEMBER—MAYOR

DAVID V. KENNER
SECRETARY/ATTORNEY

I. PEARL FAIN
DIRECTOR OF OCC

MERRELL R. BENNEKIN
DEPUTY DIRECTOR

April 15, 2013

Dear Board of Police Commissioners and Chief Darryl Forté:

It is with great pleasure that I submit for your review the 2012 Annual Report for the Kansas City, Missouri Board of Police Commissioners’ Office of Community Complaints (“OCC”). The 2012 Annual Report details OCC’s activities from January 1, 2012 to December 31, 2012, and includes statistics and data regarding the complaints received by the agency.

2012 was the forty-third year that OCC 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, OCC 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.

For several years OCC has been extremely busy because of outreach efforts such as public speaking engagements, participation in regional and national police oversight conferences, invitations to neighboring cities, and teaching various law enforcement classes. These activities were even more vigorous in 2012 because part of the strategic plan for OCC was to produce and implement outreach programs where the desired outcome would be a decrease in complaints. The outreach efforts did produce a small reduction in the number of complaints for the year and this decrease was positive proof to OCC that intensive outreach efforts was building the proverbial ‘bridge of understanding’ between the community and the Department. Additionally, OCC utilizes its outreach activities as a tool to increase its accessibility to the public and to the Department.

During this calendar year, 379 complaints were received and reviewed in the office. This represents a 2.3% decrease from 2011 when OCC received and reviewed 388 complaints. This complaint reduction as mentioned is credited to OCC’s heightened outreach services and activities, but also to the Department’s ongoing training programs and numerous community interactions by its sworn and non-sworn personnel.

I would like to acknowledge the support the Board of Police Commissioners (“Board”) has shown OCC 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 remarkable insight, attentiveness and commitment to the community, the Department and OCC. The Board has given OCC all of the tools essential to performing and functioning professionally in providing the community and the Department with excellent customer service, impartial complaint oversight, excellent job performance and best practices and methods to increase public trust in law enforcement.

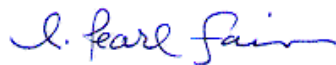
At this time, OCC wants to extend thanks and appreciation to the Department, especially the Internal Affairs Unit, for its professionalism in investigating a significant number of the complaints received by OCC in 2012. The complaint process has been successful all of these years because of the unbiased manner utilized by the Internal Affairs Unit to investigate complaints. Their integrity, transparency and accountability have created an atmosphere of mutual trust and understanding within the community and OCC.

Many thanks are also given to OCC’s staff members for their many years of commitment and diligent services to the Board, the Department and the community. The OCC’s staff is dedicated to ensuring that each complaint will be reviewed in its entirety and will be analyzed in an independent and impartial manner. The staff does not take it lightly that their responsibility is to be a major part of the machinery which enhances police accountability in Kansas City and beyond.

Lastly, to the citizens of Kansas City, I thank you for providing OCC the opportunity to uphold its mission of ensuring professional police services and oversight in our community. With your continued support, OCC 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.

Hopefully, this information will inspire you to come and visit OCC and view the complaint operation. We welcome your visit or comments and are happy to answer questions or provide further information as requested.

Respectfully submitted,



I. Pearl Fain
Director
Office of Community Complaints

Community Outreach

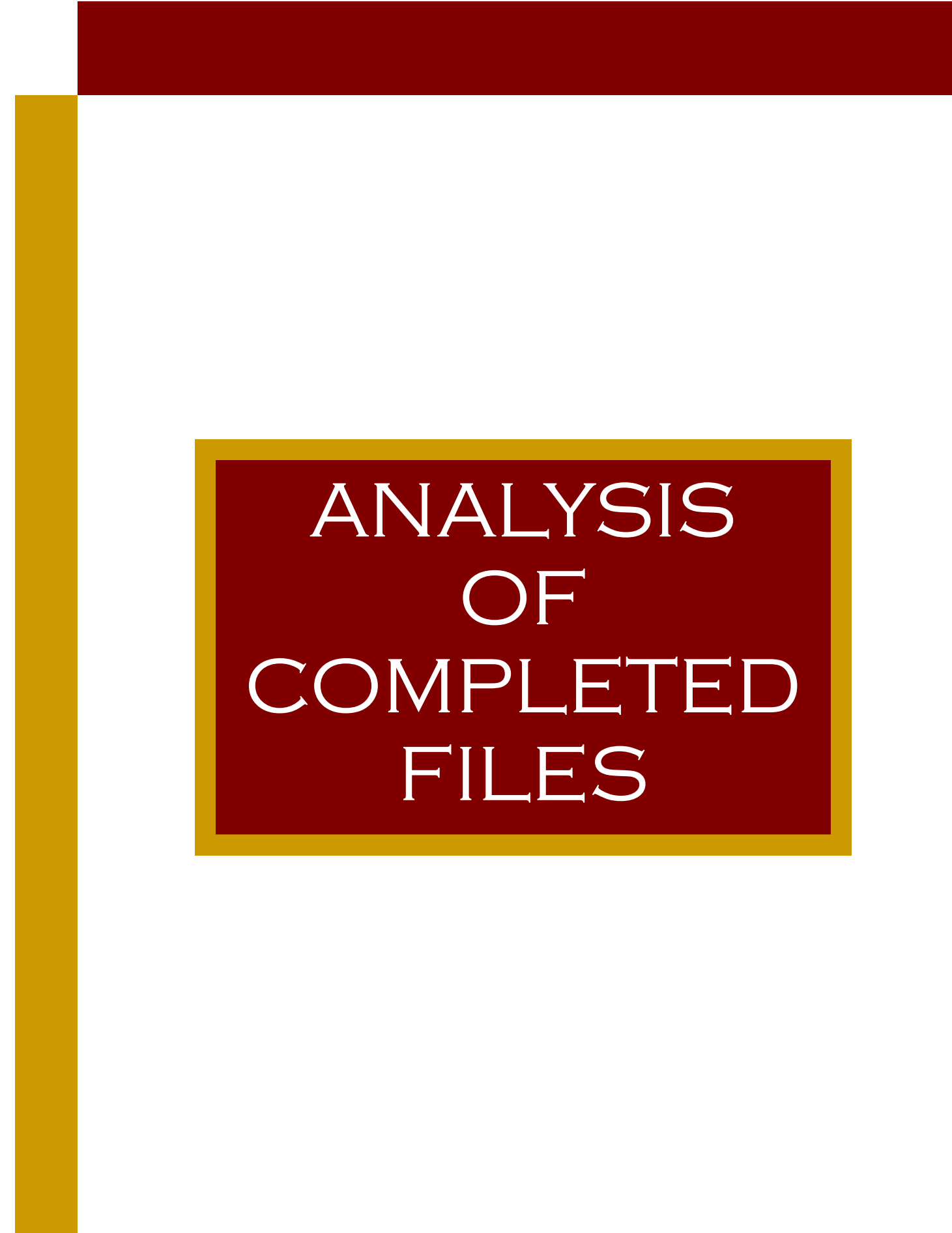
The entire community – the people, police officers, civilians, neighborhoods, etc. – should take ownership in the Office of Community Complaints. Proper policing is important and citizens and officers alike have been very clear that enhancing the functions of the community outreach effort is paramount.

The Office of Community Complaints has a long history of public involvement and will continue to be committed to reaching out to department members, residents, stakeholders, and partners as we face the challenges ahead and meet the ever-changing needs of the Kansas City metropolitan area. We can make a difference for current and future generations of residents that will call Kansas City home.

Maintaining an oversight process that the community can be proud of while increasing the internal and external education mechanism is the primary focus of the outreach strategic plan. The Office has continuously sought opportunities to interact with members of the public and the police department in an effort to bridge the information and relationship gap. Public education and knowledge is an ongoing concern of the Office. Staff members continue to develop existing relationships with neighborhood associations, civic and religious groups, schools and service organizations in and around the Kansas City area. The Office is increasingly optimistic that through these contacts, an ongoing dialogue can be established with the residents of this community, and the dialogue will lead to solutions to some of the shared issues that are encountered by both the public and law enforcement communities. The Office utilizes every opportunity to effectively address concerns related to law enforcement and police practices. The response has been tremendous, and we hope to continue in this pattern of success. Two-way education and communication is essential if our goals are to be reached.

The Office of Community Complaints remains focused on maintaining and improving its existing programs and initiatives. The staff of the Office subscribes to the notion that there is still a great deal of work that has yet to be done, but progress has definitely been made. The Office of Community Complaints welcomes the challenge to expand its level of service and accessibility in the future.

Should you wish to have a member of our office 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, or Alexis Bush-Bailey, the Community Outreach Liaison, at (816) 889-6648.



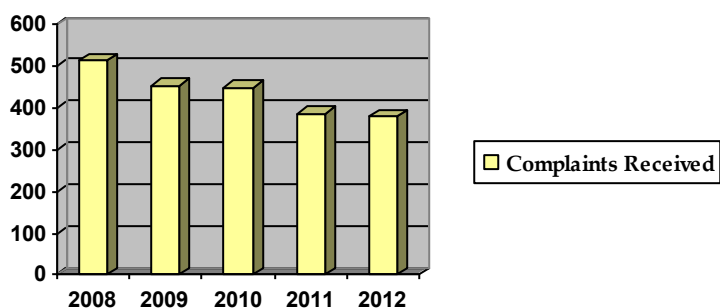
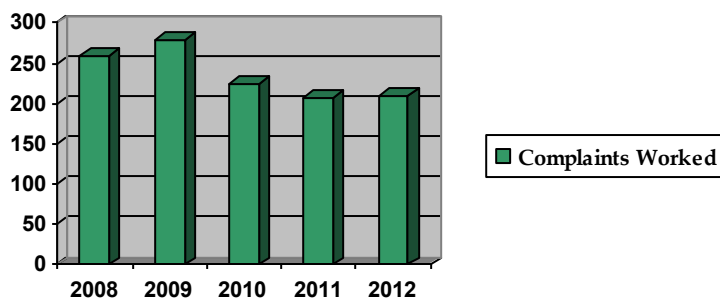
ANALYSIS OF COMPLETED FILES

Five-Year Comparative Statistics 2008—2012

	2008	2009	2010	2011	2012	Average
Complaints Worked	259	279	224	207	209	236
Complaints Received	513	454	447	388	379	436

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 2012 would not have a recommendation made until sometime in 2013). 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, 2012.



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

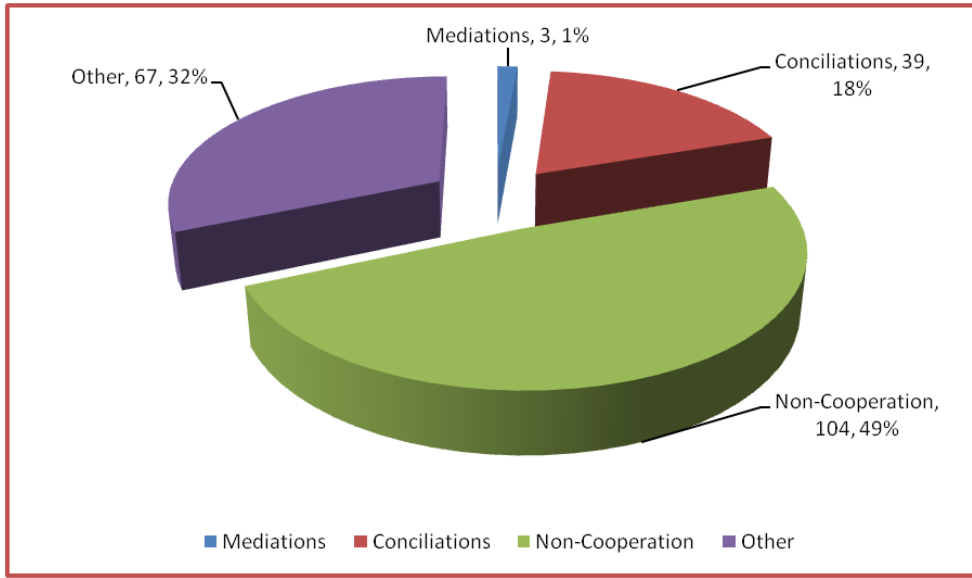
Within the NIC category, however, are those complaints that are mediated or conciliated, and forego a formal investigation by the Internal Affairs Unit. Mediations and Conciliations are classified as NIC’s due to the lack of a formal (i.e. Internal Affairs) investigation.

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.

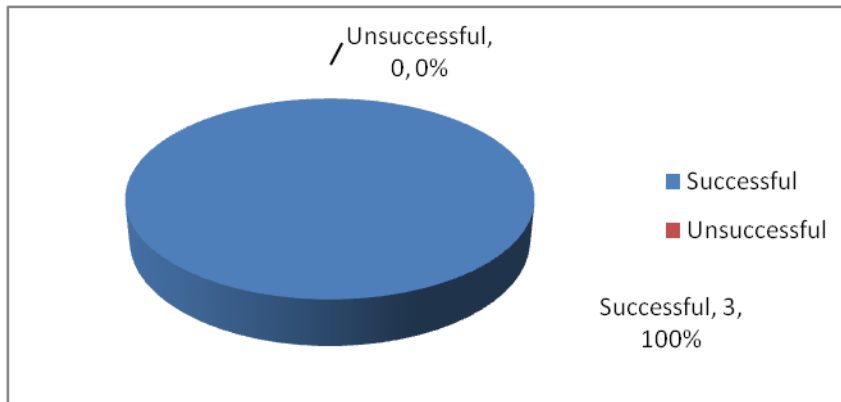
Conciliation is done at the division or unit level, where a supervisor contacts both the complainant and member to obtain a set of facts, and a smaller-scale inquiry into the complaint is done by a supervisor. The complainant is then contacted by the supervisor and receives information regarding how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

In 2012, 211 NIC's were received in the Office, and 213 were analyzed (consisting of those filed in current and previous years). Of the 213 which were analyzed in 2012, 42 were mediations and conciliations, with 86% percent considered successful. Of the remaining 171 NIC's, 104 were closed for complainant non-cooperation, and 67 fell into other categories.

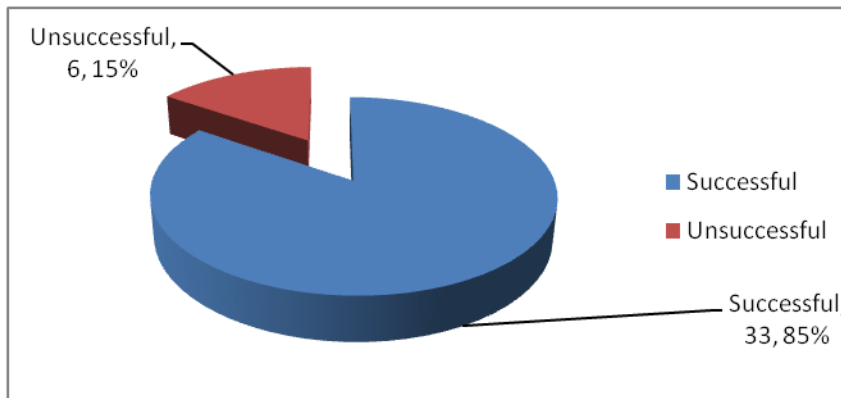
Total Non-Investigated Complaints (211)



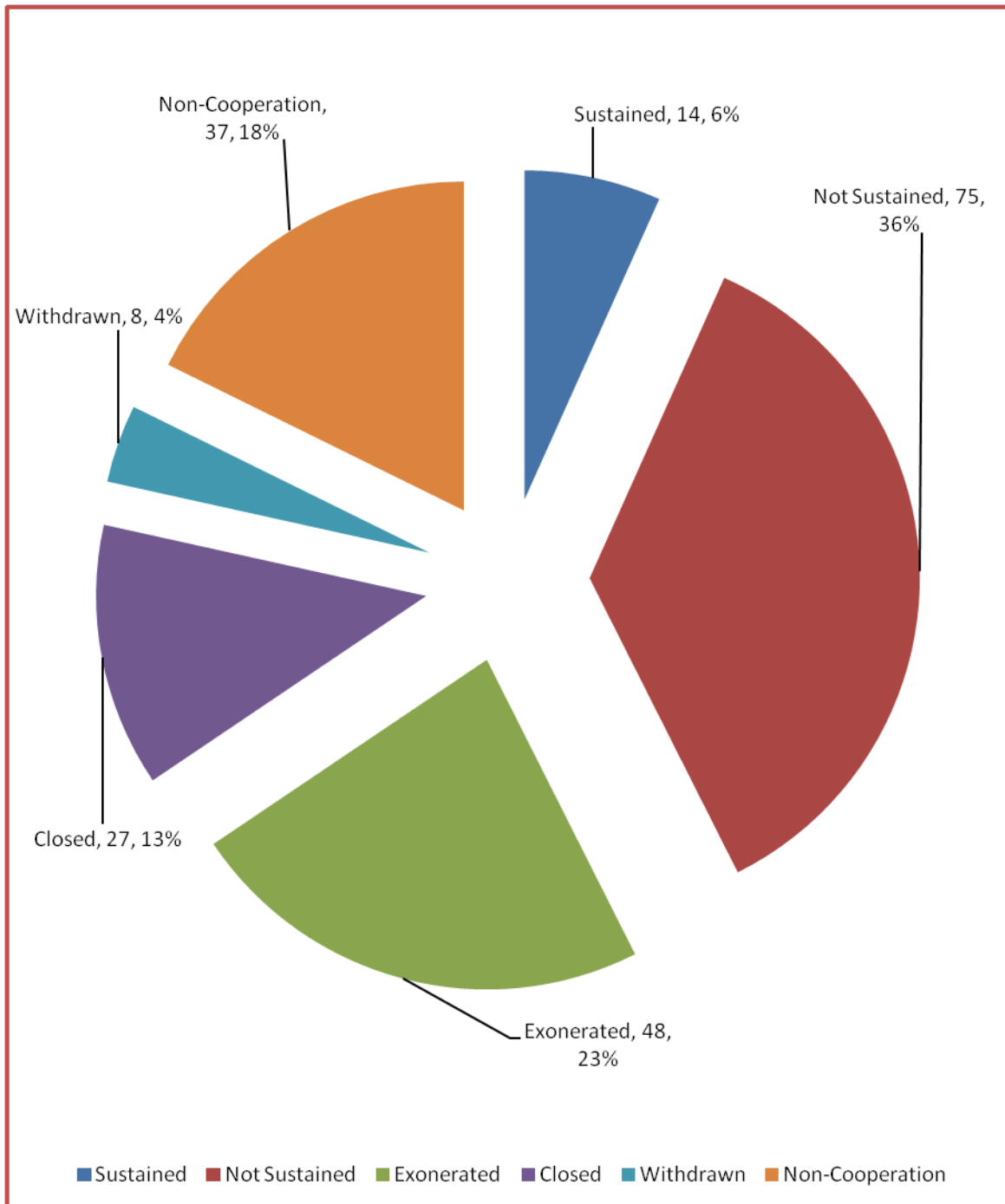
Mediations (3)



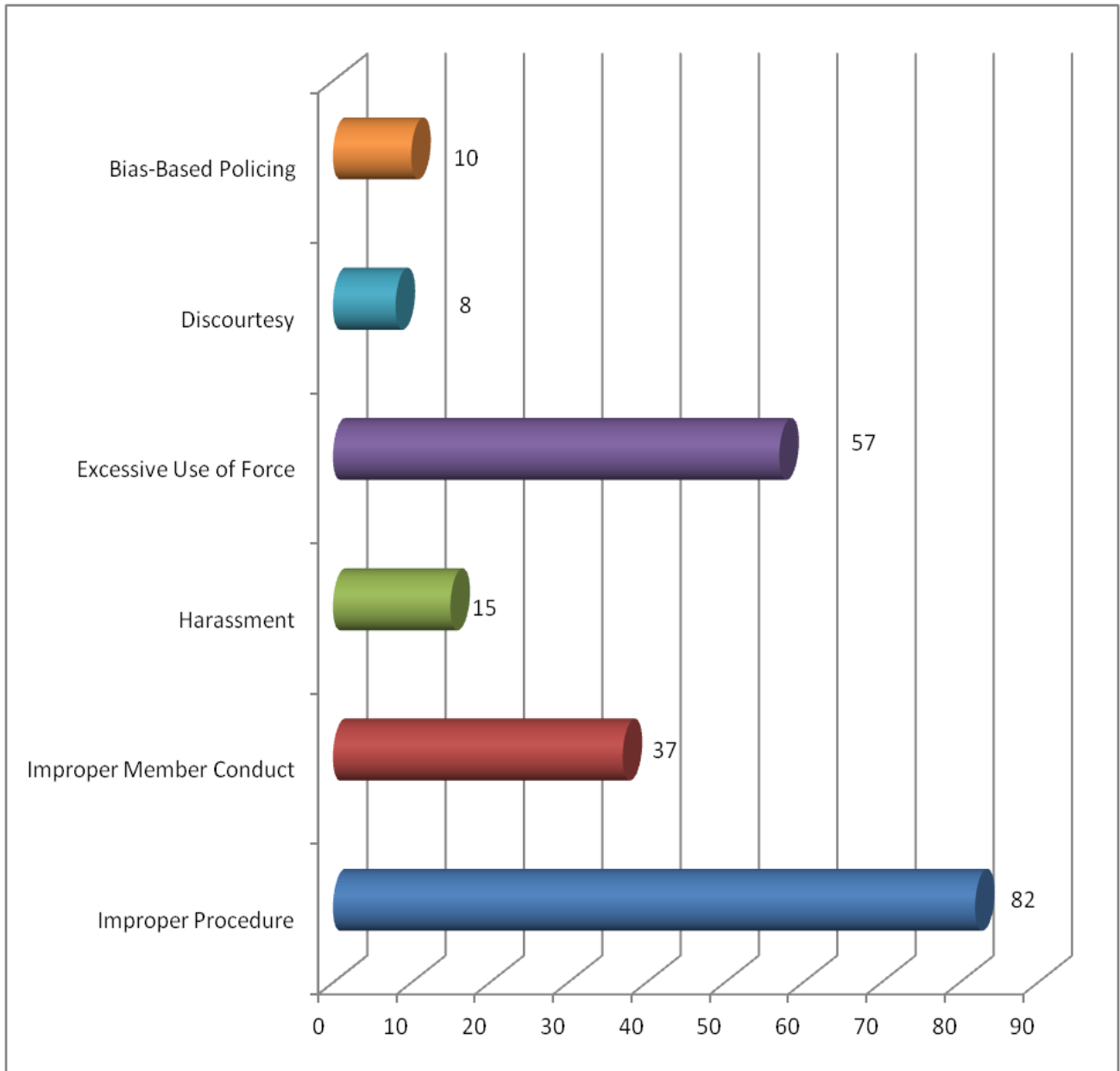
Conciliations (39)



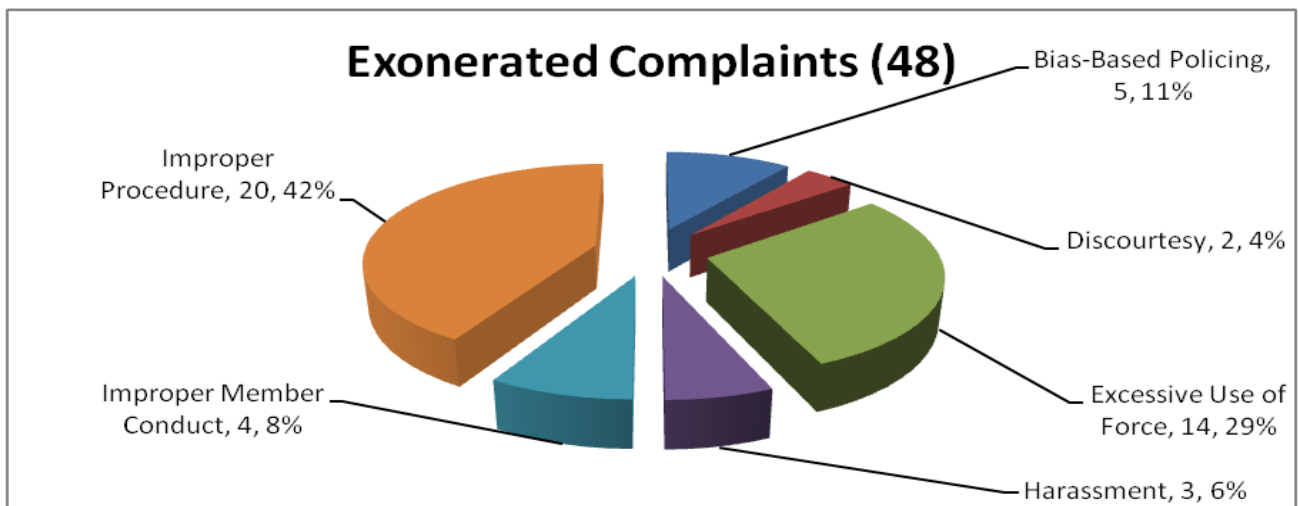
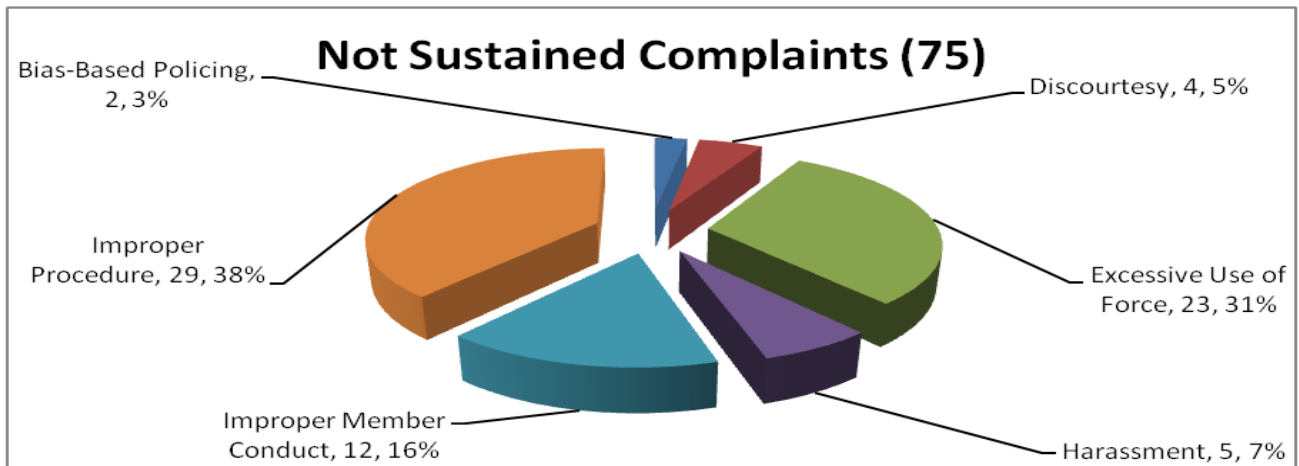
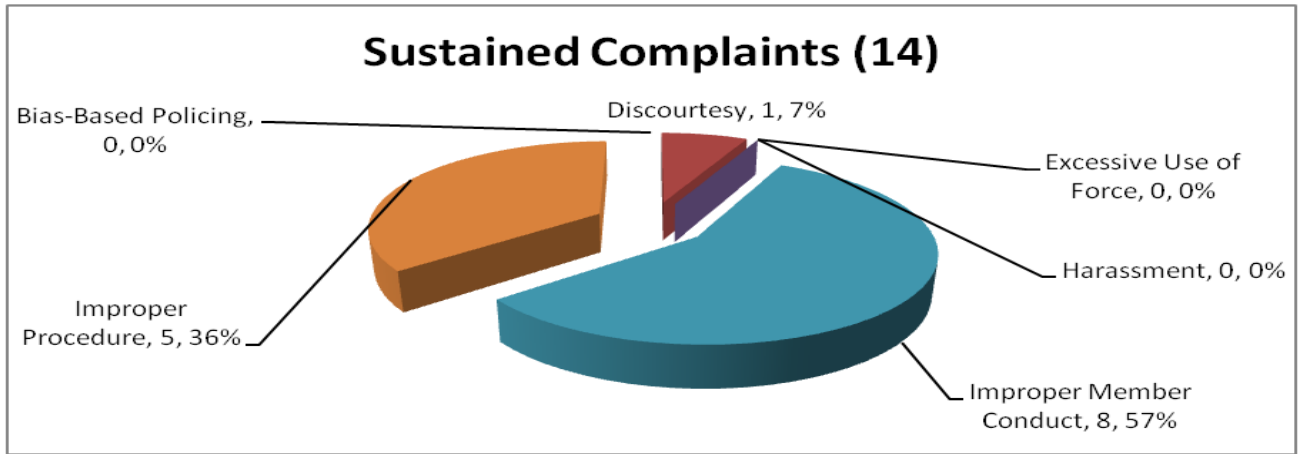
Disposition of Complaints All Categories (209 Complaints)



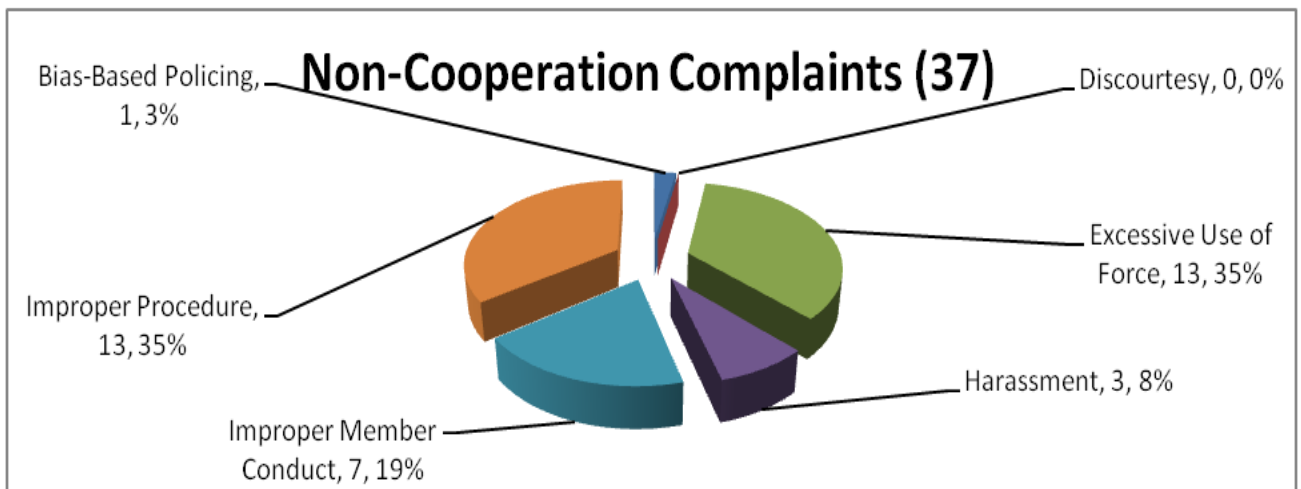
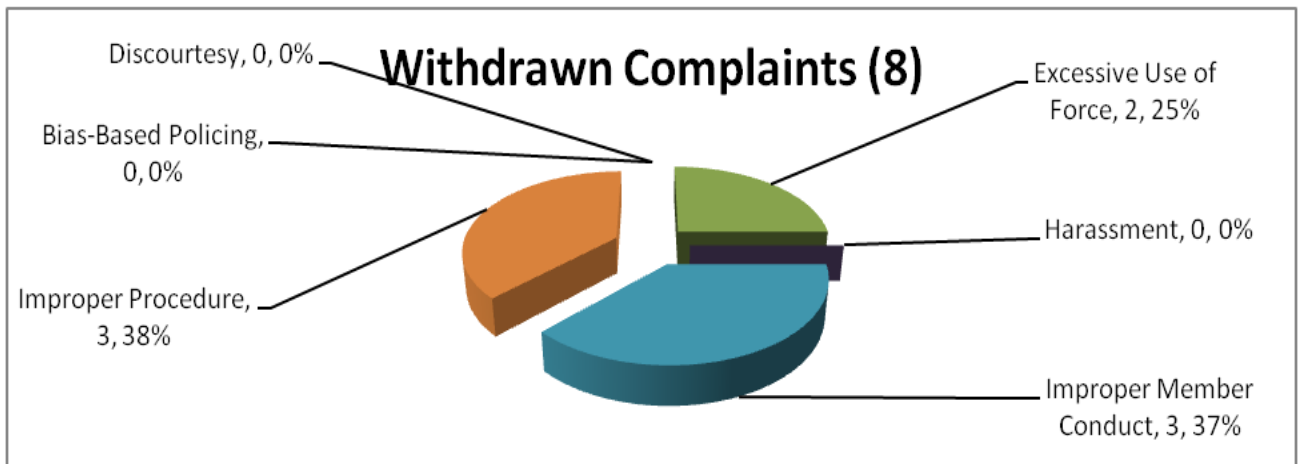
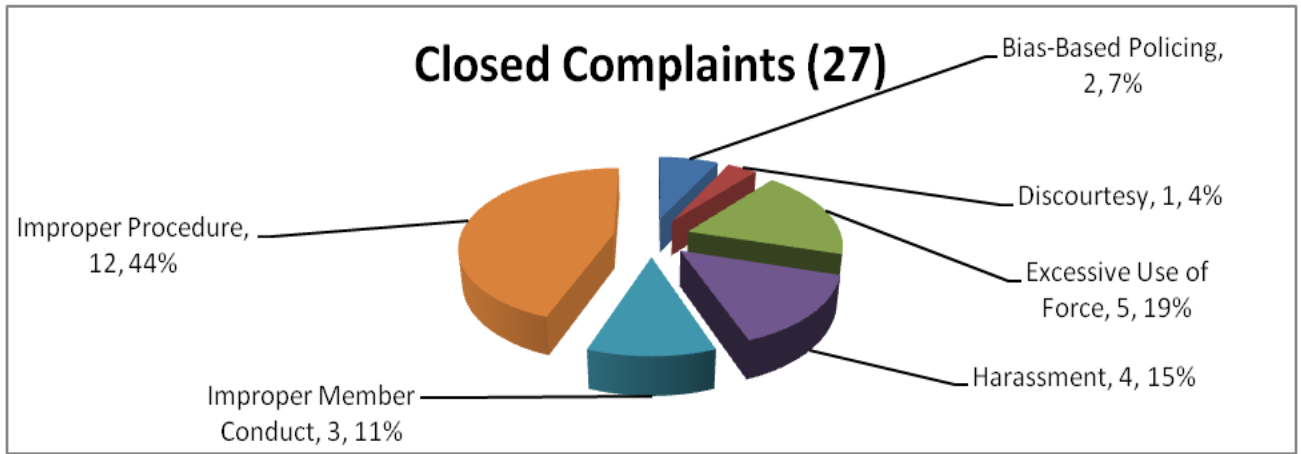
Complaints Worked by Allegation (209 Complaints)



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.)

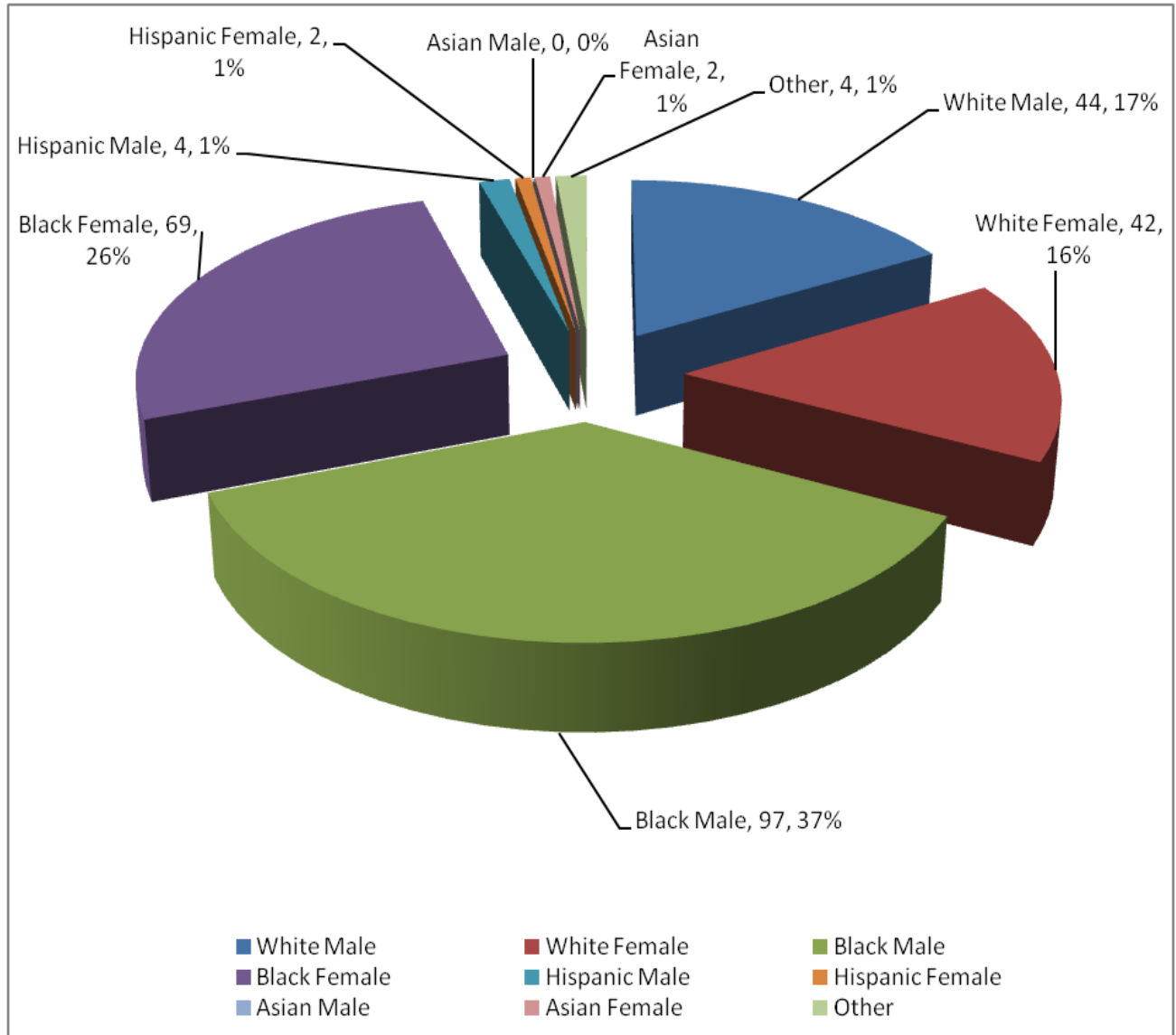
Withdrawn: The complainant did not wish to pursue the complaint.

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)

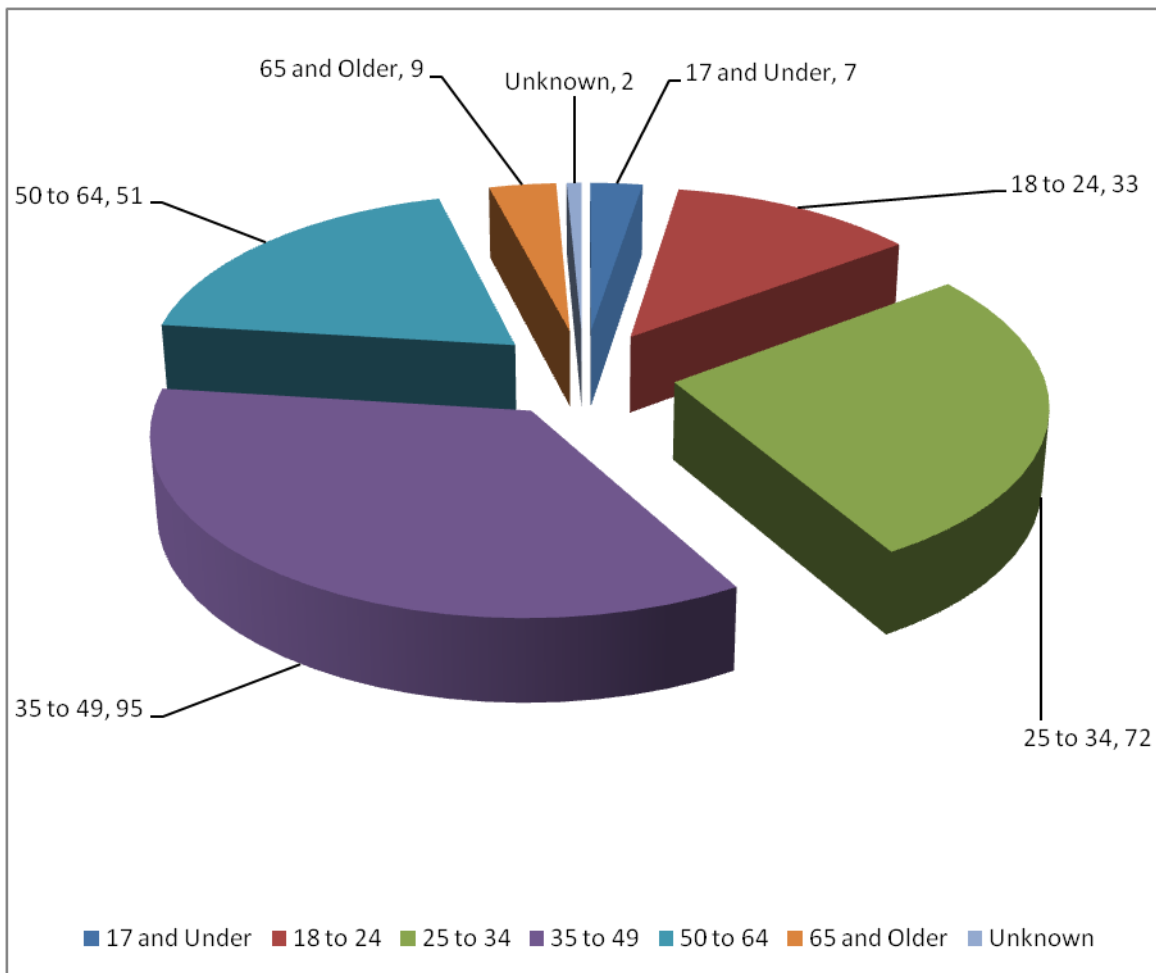
Race and Sex of Complainants



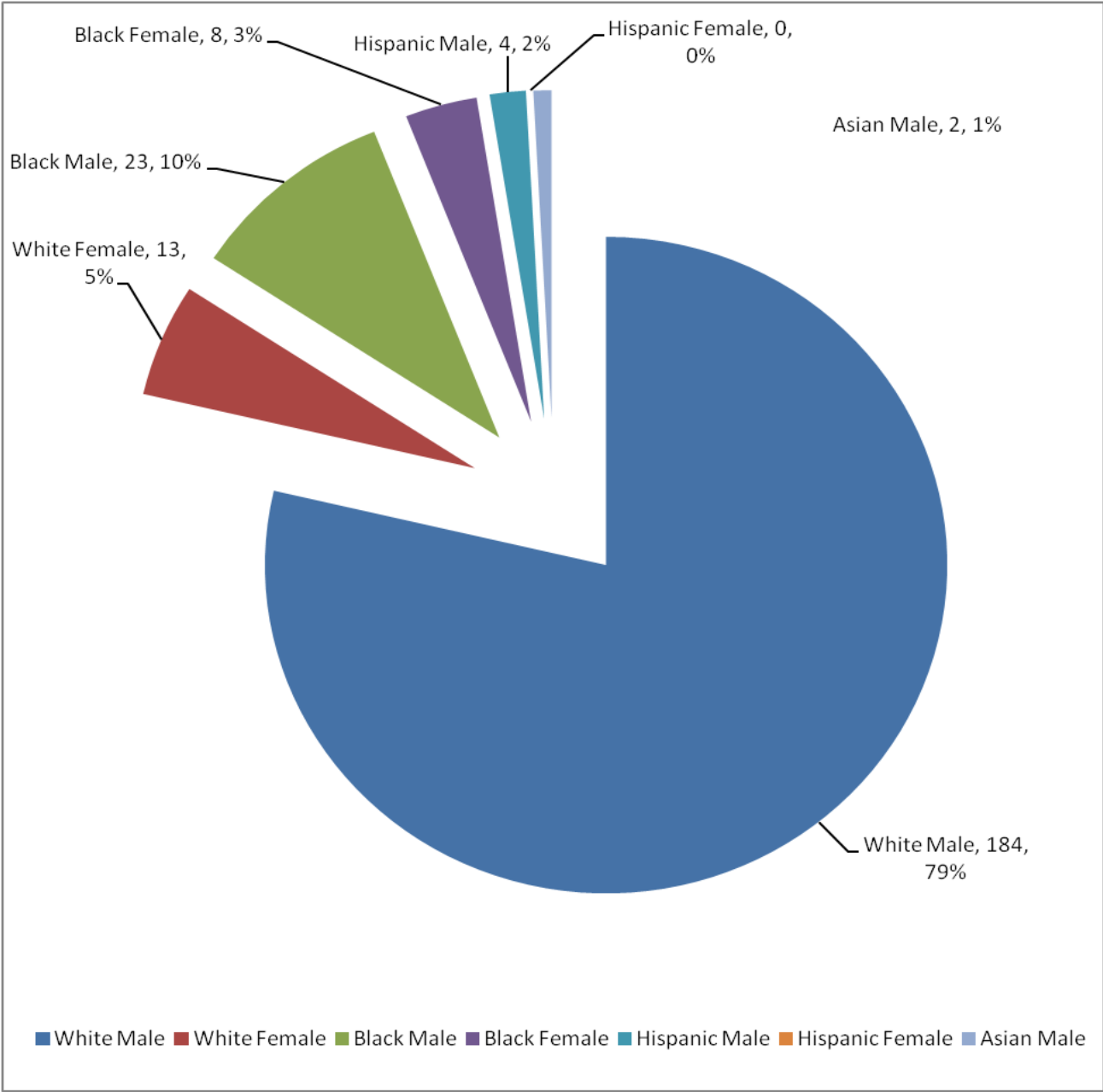
	W/M	W/F	B/M	B/F	H/M	H/F	A/M	A/F	Other
Sustained	6	3	3	6	1				
Not Sustained	18	15	44	28	1	1			
Exonerated	6	7	24	16	1	1		1	
Closed	4	10	12	7				1	1
Withdrawn	1		4	1	1				1
Non-Cooperation	9	7	10	16					2
TOTAL	44	42	97	69	4	2	0	2	4

Complainants by Age

AGE GROUP	NUMBER	PERCENTAGE
17 and Under	7	2.6%
18 to 24	33	12.3%
25 to 34	72	26.8%
35 to 49	95	35.3%
50 to 64	51	19.0%
65 and Older	9	3.3%
Unknown	2	0.7%
TOTAL	269	100.0%



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



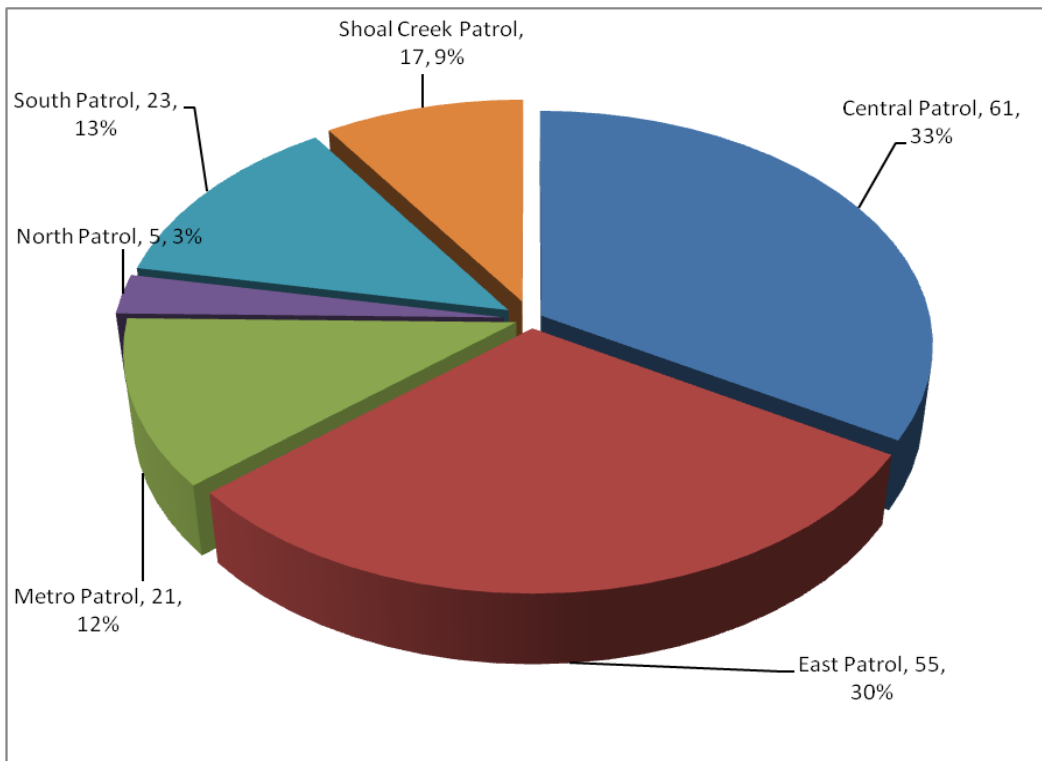
Assignment of Members Complained Against (Sustained, Not Sustained, and Exonerated Complaints Only)

By Type of Unit

Patrol	182	82.4%
Traffic and Parking Control	3	1.4%
Detention	4	1.8%
SNU/DEU (Drug Units)	12	5.4%
Other	20	9.0%
TOTAL	221	100.0%

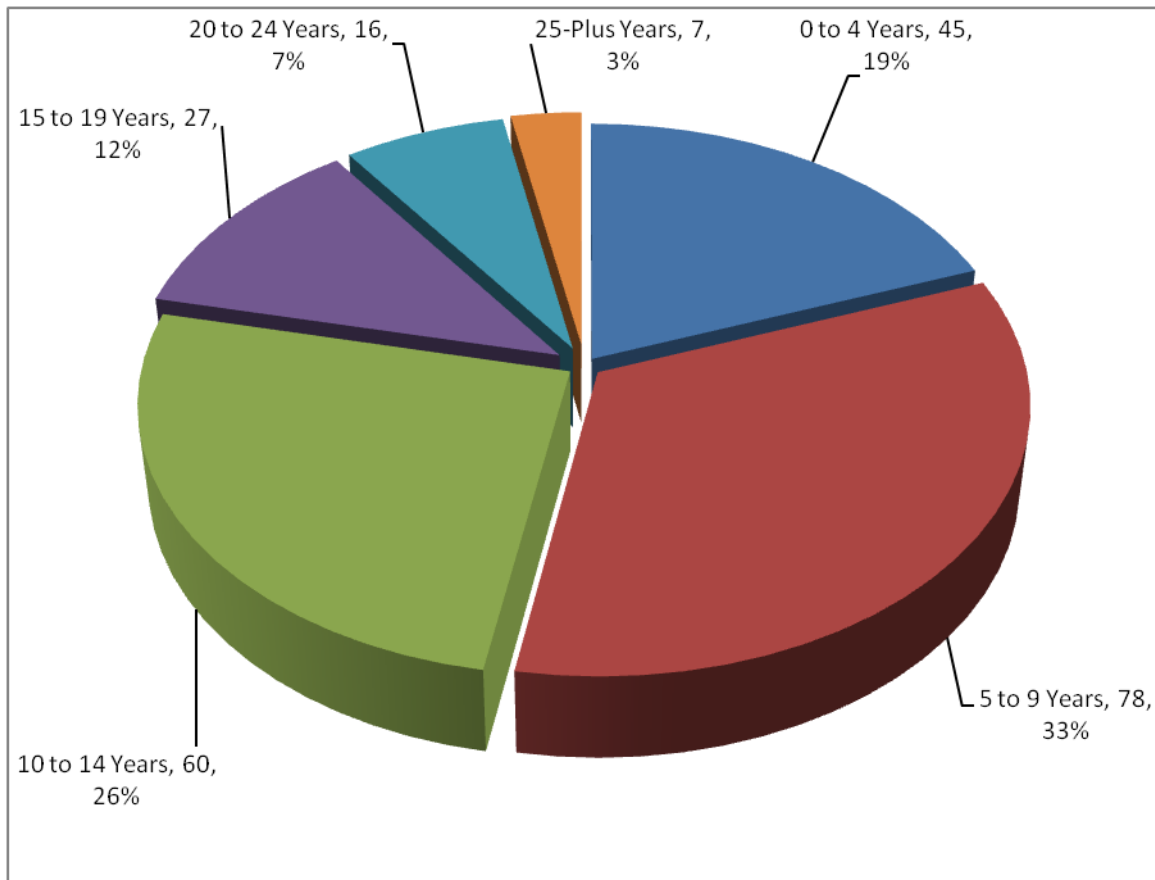
“Other” includes officers assigned to units such as Canine, Juvenile, Tactical Response Teams, Homicide, Investigative elements, Communications, Records, and others.

By Patrol Division



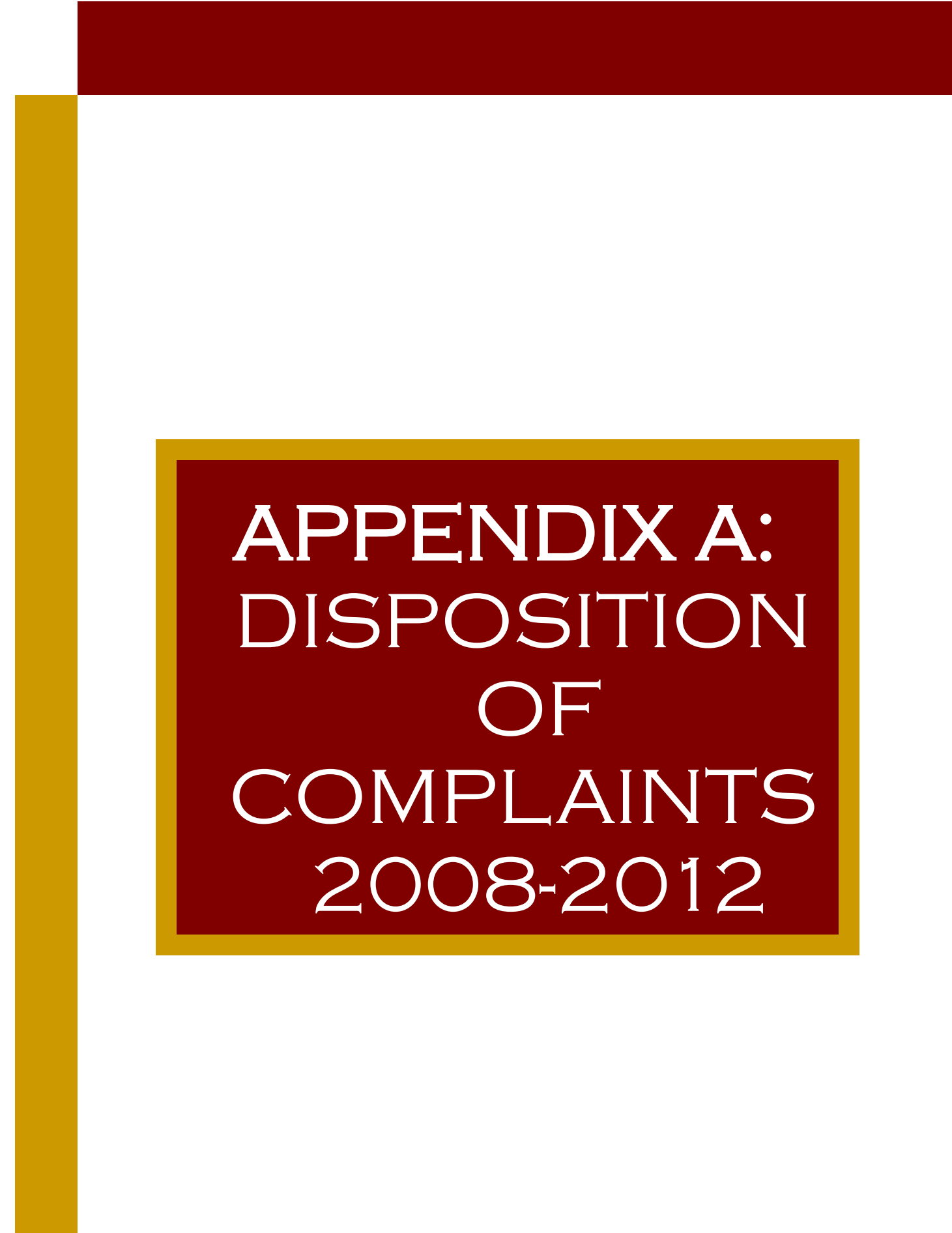
Tenure of Members Complained Against (Sustained, Not Sustained, and Exonerated Complaints Only)

	0 to 4 Years	5 to 9 Years	10 to 14 Years	15 to 19 Years	20 to 24 Years	25-Plus Years
Sustained	4	5	1	1	1	0
Not Sustained	25	42	30	9	6	3
Exonerated	16	31	29	17	9	4
Total & Percentage	45 (19.3%)	78 (33.5%)	60 (25.7%)	27 (11.6%)	16 (6.9%)	7 (3.0%)





APPENDICES



**APPENDIX A:
DISPOSITION
OF
COMPLAINTS
2008-2012**

Disposition of Complaints 2008 through 2012

	2008	2009	2010	2011	2012
Sustained	20	24	10	6	14
Not Sustained	113	66	74	63	75
Exonerated	27	37	52	40	48
Closed	36	35	33	32	27
Withdrawn	13	13	5	8	8
Non-Cooperation	50	104	50	58	37
COMPLAINTS REVIEWED	259	279	224	207	209

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 six (6) 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	6.3%
Not Sustained	33.2%
Exonerated	17.3%
Closed	13.8%
Withdrawn	4.0%
Non-Cooperation	25.4%



**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.

4420 N.E. Chouteau Trafficway, Suite 100
Kansas City, Missouri 64117
(816) 454-2000
Monday-Friday, 8:00 a.m.-5:00 p.m.

South Patrol Division

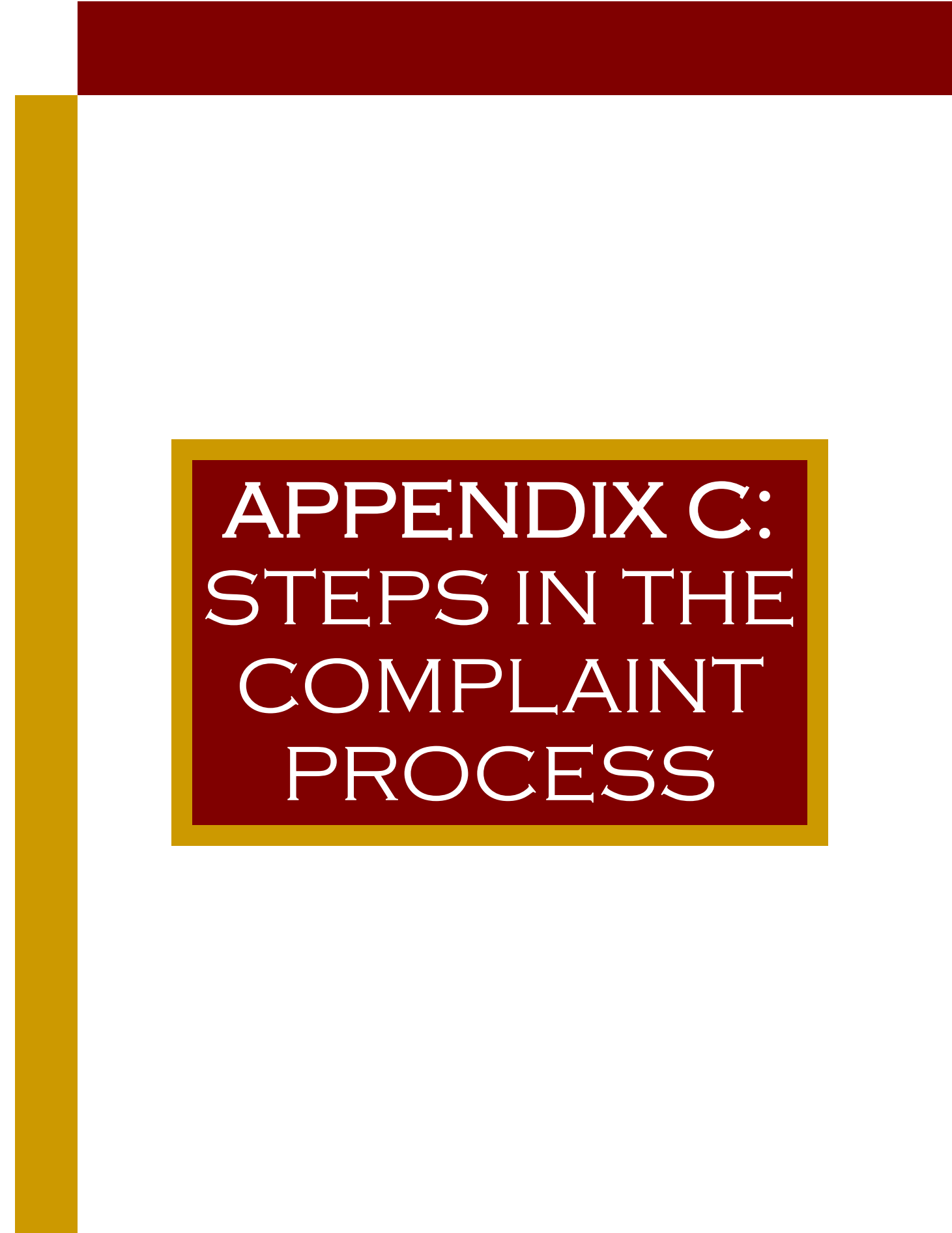
9701 Marion Park Drive
Kansas City, Missouri 64137
(816) 234-5550
24 Hours

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.

