

2013 ANNUAL REPORT



THE BOARD OF POLICE
COMMISSIONERS'

OFFICE OF
COMMUNITY
COMPLAINTS

CENTURY TOWERS, SUITE 2102

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BOARD OF POLICE COMMISSIONERS

OFFICE OF COMMUNITY COMPLAINTS

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EXECUTIVE DIRECTOR OF OCC

MERRELL R. BENNEKIN
DEPUTY EXECUTIVE DIRECTOR

May 1, 2014

Dear Board of Police Commissioners and Chief Darryl Forté:

It is with great pleasure that I submit for your review the 2013 Annual Report for the Kansas City, Missouri Board of Police Commissioners’ Office of Community Complaints (“O.C.C.”). The 2013 Annual Report details O.C.C.’s activities from January 1, 2013 to December 31, 2013, and includes statistics and data regarding the complaints received by the agency.

Throughout O.C.C.’s forty-four year history, the goal has been and remains to provide the Kansas City community 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”). In keeping with this goal, O.C.C. has strengthened its outreach programs, its mediation process and its relationships with community and Department partners.

For several years O.C.C. has sought the opportunity to host the annual conference for the National Association for Civilian Oversight of Law Enforcement (“NACOLE”). NACOLE is the national organization for the ever-expanding number of oversight agencies in the United States. Its mission is to enhance fair and professional law enforcement responsive to community needs. This is a very large and prestigious event in the oversight community and it is viewed as a great achievement for the city that is chosen to host the conference. I am extremely proud to announce that Kansas City and the O.C.C. was selected to host NACOLE’s 20th Annual conference in 2014 which coincides with O.C.C.’s forty-fifth (45th) anniversary. O.C.C. was able to secure the conference with the support of the Board of Police Commissioners (“Board”), the Department, the community, and local government. Stay tuned for a very educational and informational conference for the public and organizations in the fields of law enforcement and civilian oversight. Should you wish to obtain more information about the conference, please do not hesitate to contact the Office.

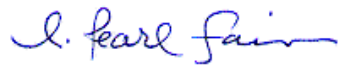
During this calendar year, 407 complaints were received and thoroughly reviewed by O.C.C. This represents a 7.4% increase from 2012 when O.C.C. received and reviewed 379 complaints. Further, the Internal Affairs Unit completed investigations on 201 complaints

that were subsequently reviewed by the O.C.C. analysts. These are just a few examples of the statistics and data you will find in this Annual Report which will provide you with the big picture of O.C.C.'s 2013 oversight activities.

O.C.C. would like to acknowledge and extend special thanks for the support provided by the individual Board members, Chief Forté, the Internal Affairs Unit, members of the Department's Human Resources Division, the concerned citizens, and last, but not least, the professional O.C.C. staff. O.C.C.'s success in 2013 is because of the efforts and resources provided by each of them.

Hopefully, this information will serve as an inspiration for anyone to come and visit O.C.C. and view the complaint operation. O.C.C. welcomes office visits, questions, comments, and is always available to answer questions or provide further information upon request.

Respectfully submitted,

A handwritten signature in blue ink that reads "I. Pearl Fain". The signature is fluid and cursive, with the first initial "I." being prominent.

I. Pearl Fain
Executive Director
Office of Community Complaints

Community Outreach



The Office of Community Complaints remains steadfast in its commitment to providing professional, efficient, and effective service to the Kansas City, Missouri community. The Office's commitment to service is ingrained in every aspect of its daily operations, and remains a top priority in each of its initiatives. The Office's staff focuses a great deal of attention towards the development of systems and programs that serve to make the complaint process more user friendly for both complainants and Department members. With this goal in mind, the Office stays abreast of new trends in the area of civilian oversight, and uses this information to continually update and reform our local complaint model.

Public education and knowledge is essential to achieving the goals the Office. Under the direction of Det. Alexis Bush-Bailey, Community Outreach Liaison, the Office of Community Complaints continues to cultivate existing relationships with neighborhood associations, civic and religious groups, and service organizations in and around the Greater Kansas City metropolitan area. The Office is increasingly optimistic that increased dialogue and engagement will lead to resolution of some of the shared issues that are encountered by the public and law enforcement communities.

One of the greatest challenges to the outreach effort is trying to reach and establish dialogue with those segments of the community that are not ready participants in the more common civic, social, and/or religious arenas. With that in mind, the Office continues to utilize some of the less traditional methods in order to promote its mission and the services provided. Those "non-traditional" methods include, but are not limited to: social media outlets (Facebook, Twitter, etc.), participation in various web logs or "blogs," and contributions to newsletters and publications that are not considered to be a part of the mainstream media.

The Office of Community Complaints is 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.





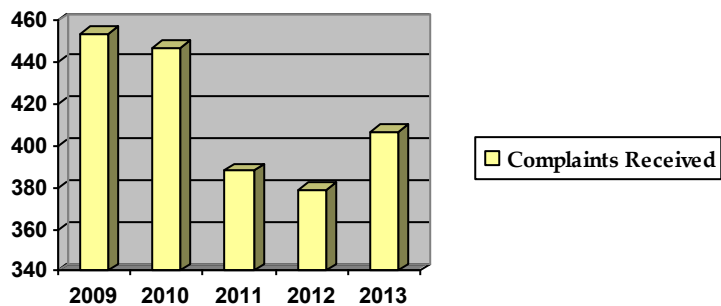
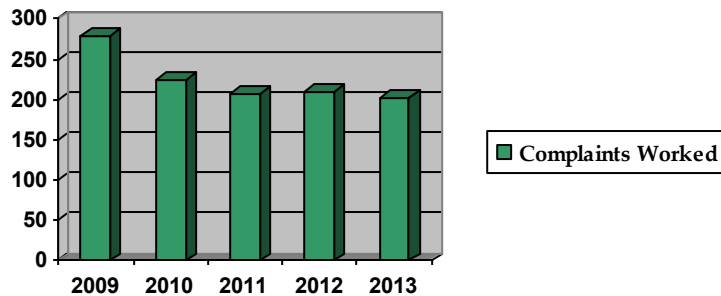
ANALYSIS OF COMPLETED FILES

Five-Year Comparative Statistics 2009—2013

	2009	2010	2011	2012	2013	Average
Complaints Worked	279	224	207	209	201	224
Complaints Received	454	447	388	379	407	415

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 2013 would not have a recommendation made until sometime in 2014). 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, 2013.



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

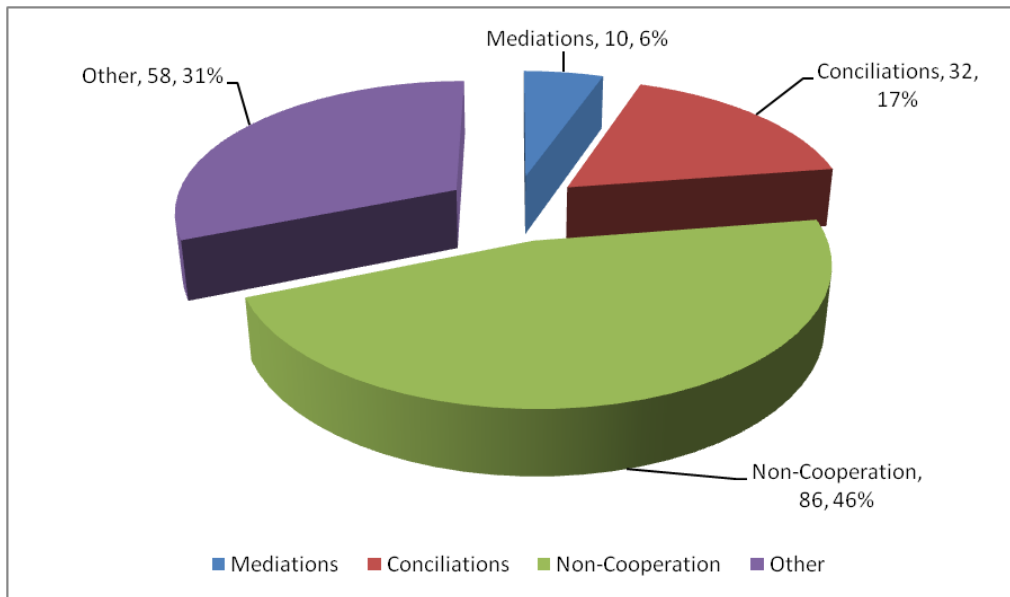
Within the NIC category, however, are those complaints that are mediated or conciliated, and forego a formal investigation by the Internal Affairs Unit. Mediations and Conciliations are classified as NIC’s due to the lack of a formal (i.e. Internal Affairs) investigation.

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.

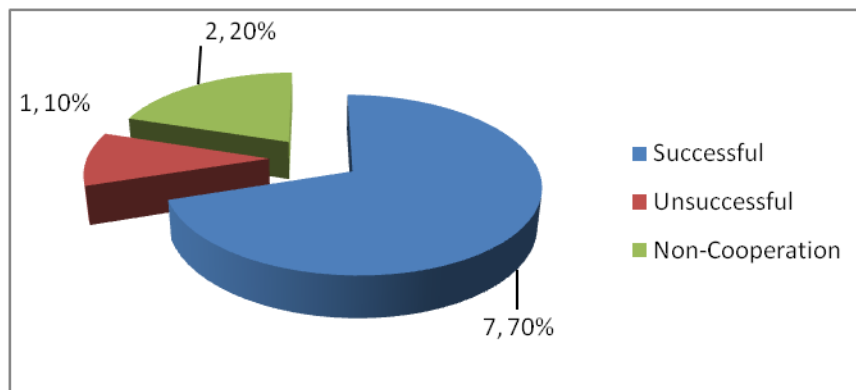
Conciliation is done at the division or unit level, where a supervisor contacts both the complainant and member to obtain a set of facts, and a smaller-scale inquiry into the complaint is done by a supervisor. The complainant is then contacted by the supervisor and receives information regarding how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

In 2013, 193 NIC's were received in the Office, and 186 were reviewed (consisting of those filed in current and previous years). Of the 186 which were reviewed in 2013, 42 were mediations and conciliations, with 81 percent considered successful. Of the remaining 143 NIC's, 86 were closed for complainant non-cooperation, and 58 fell into other categories.

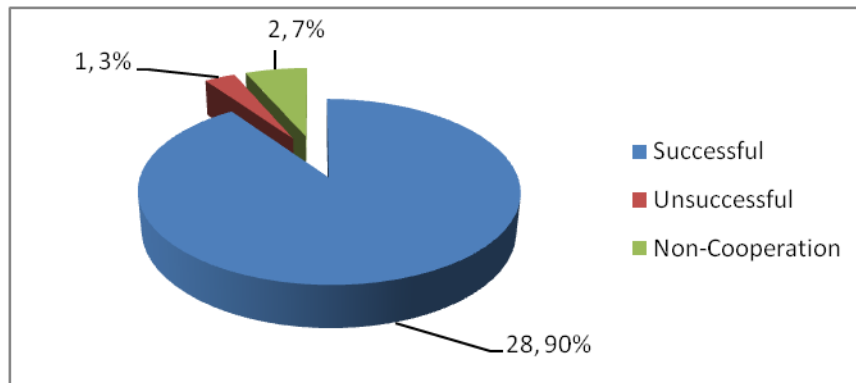
Total Non-Investigated Complaints (186)



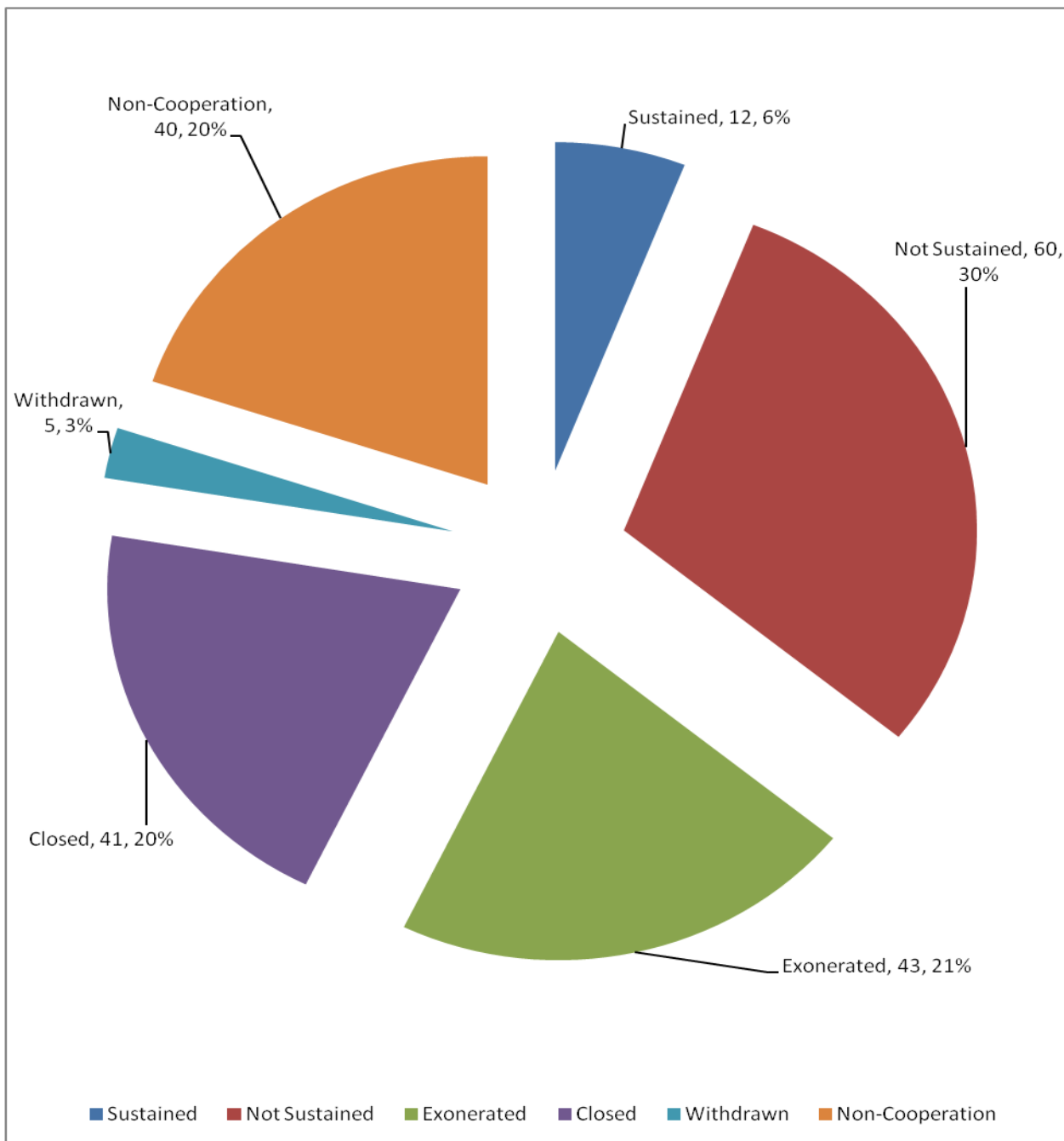
Mediations (10)



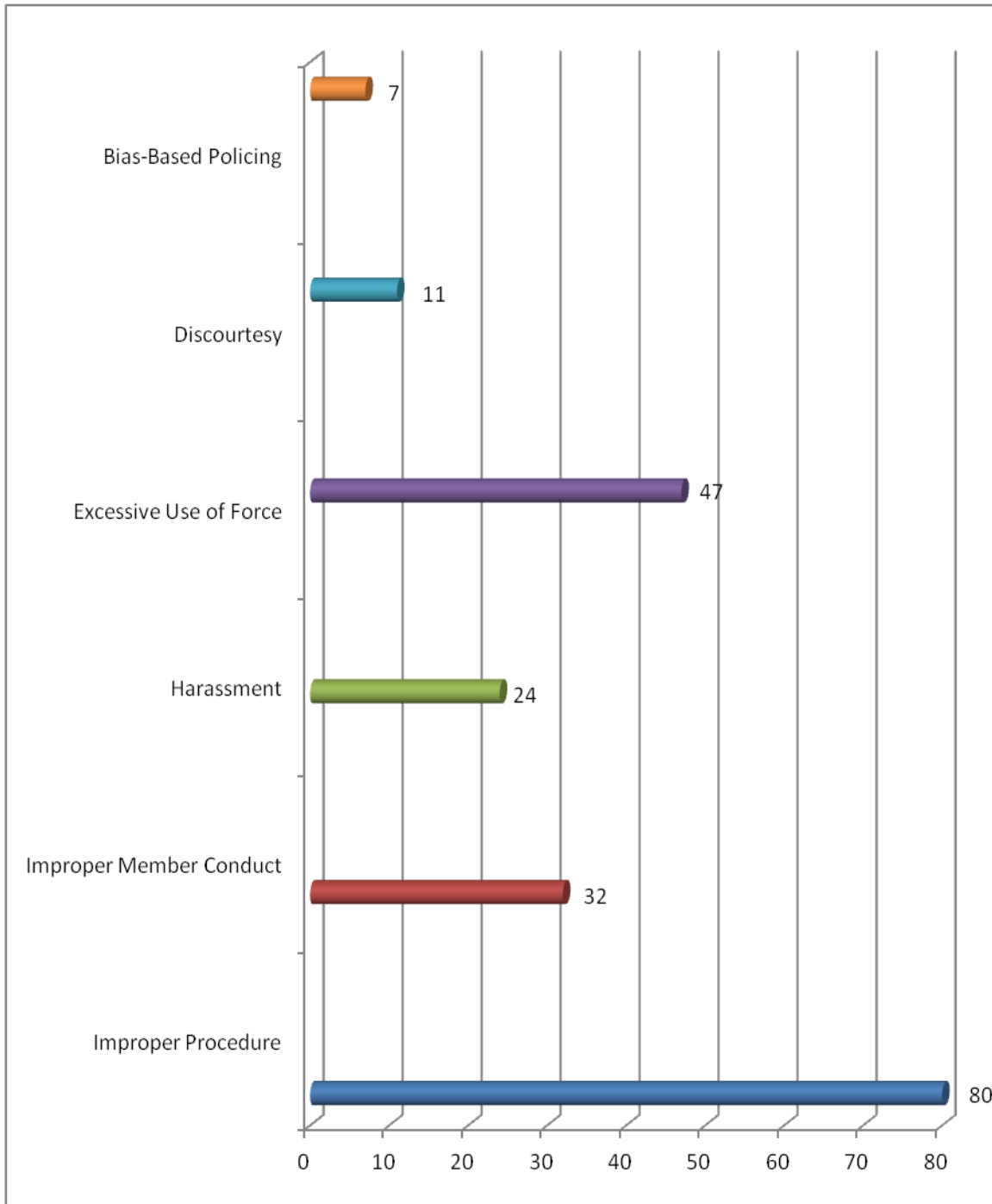
Conciliations (32)



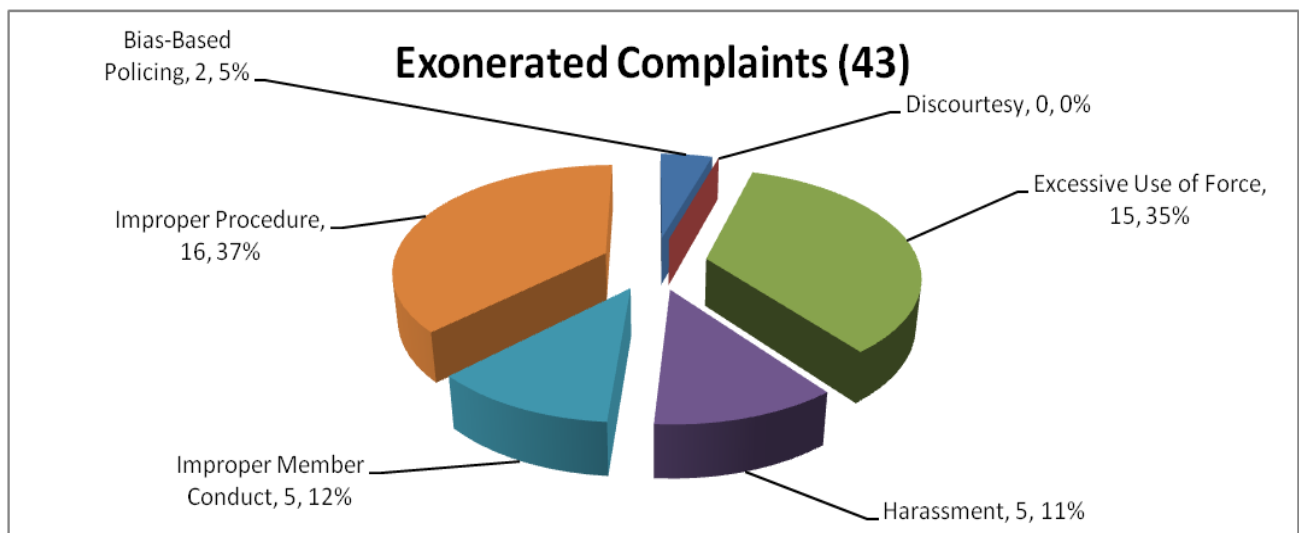
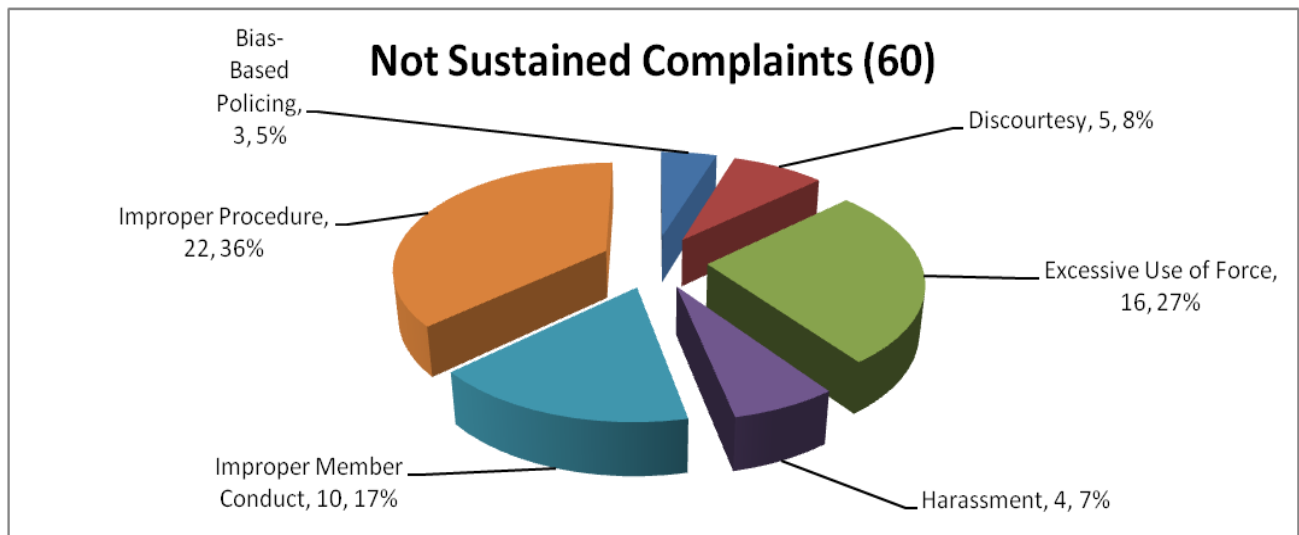
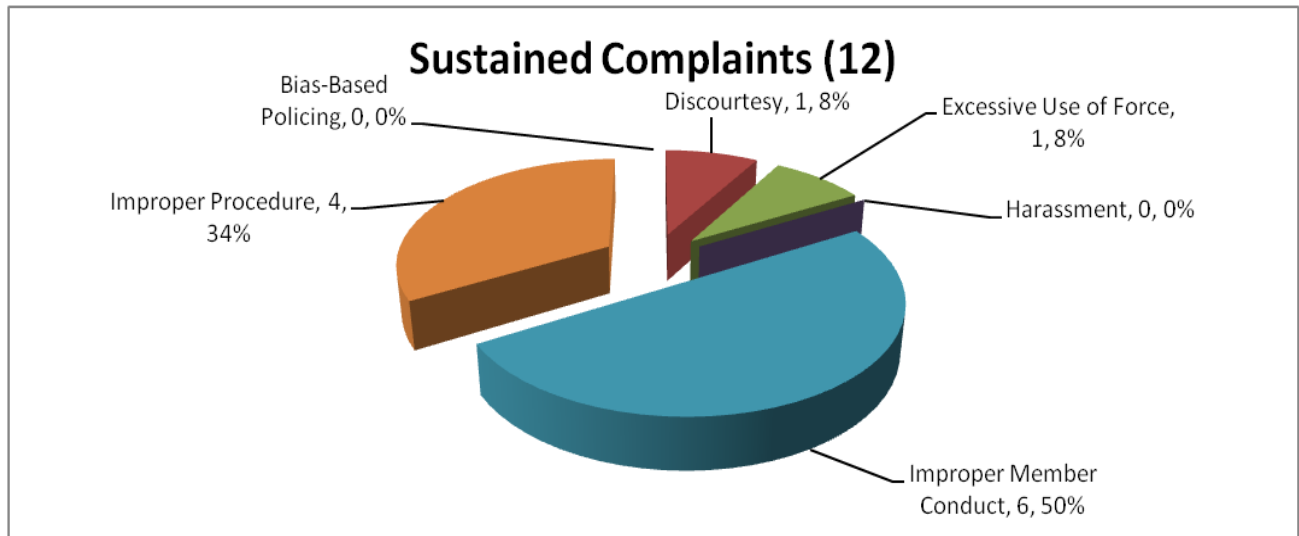
Disposition of Complaints All Categories (201 Complaints)



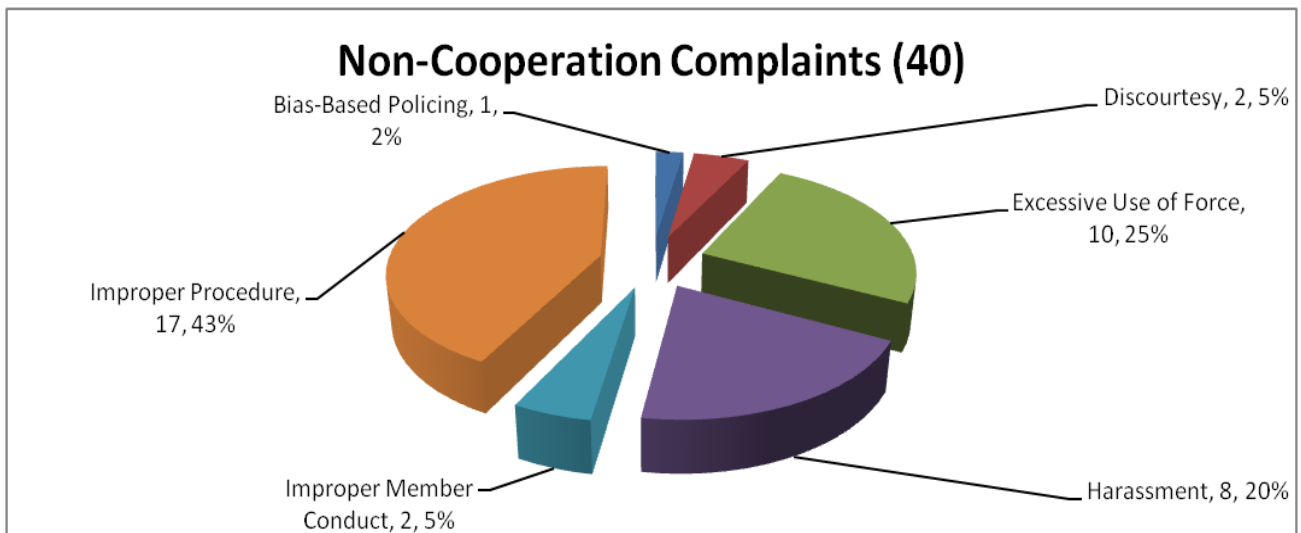
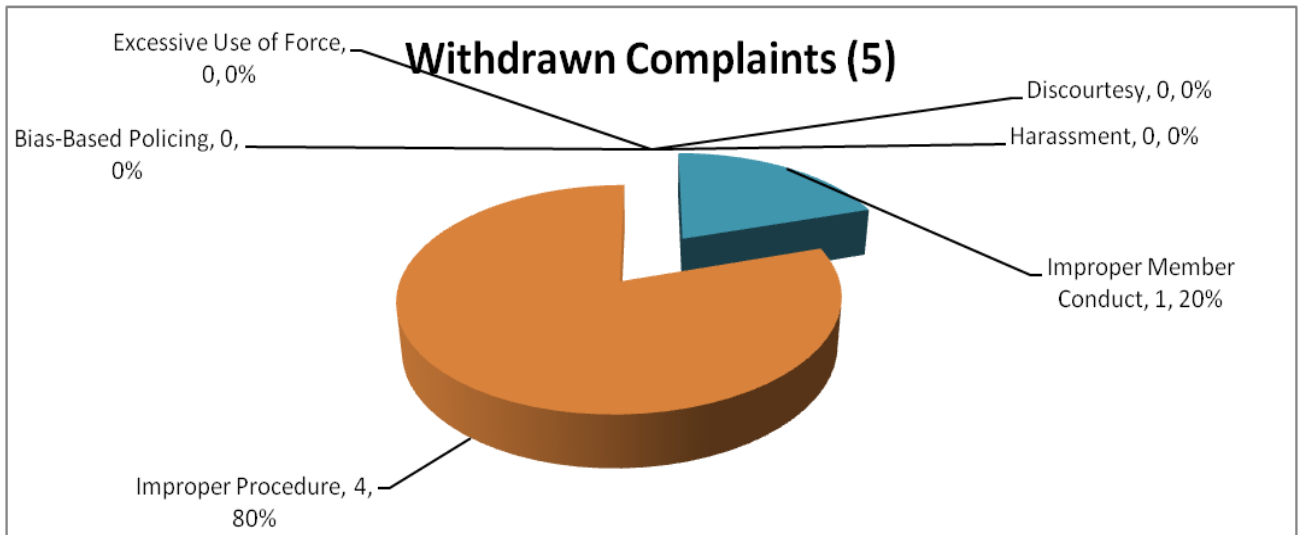
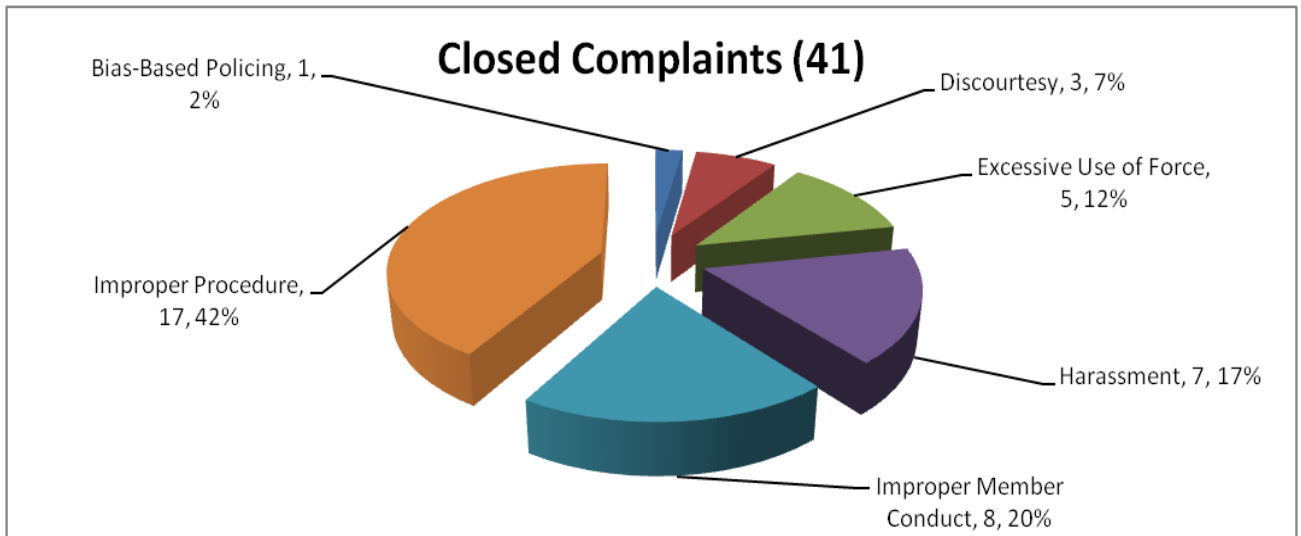
Complaints Worked by Allegation (201 Complaints)



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.)

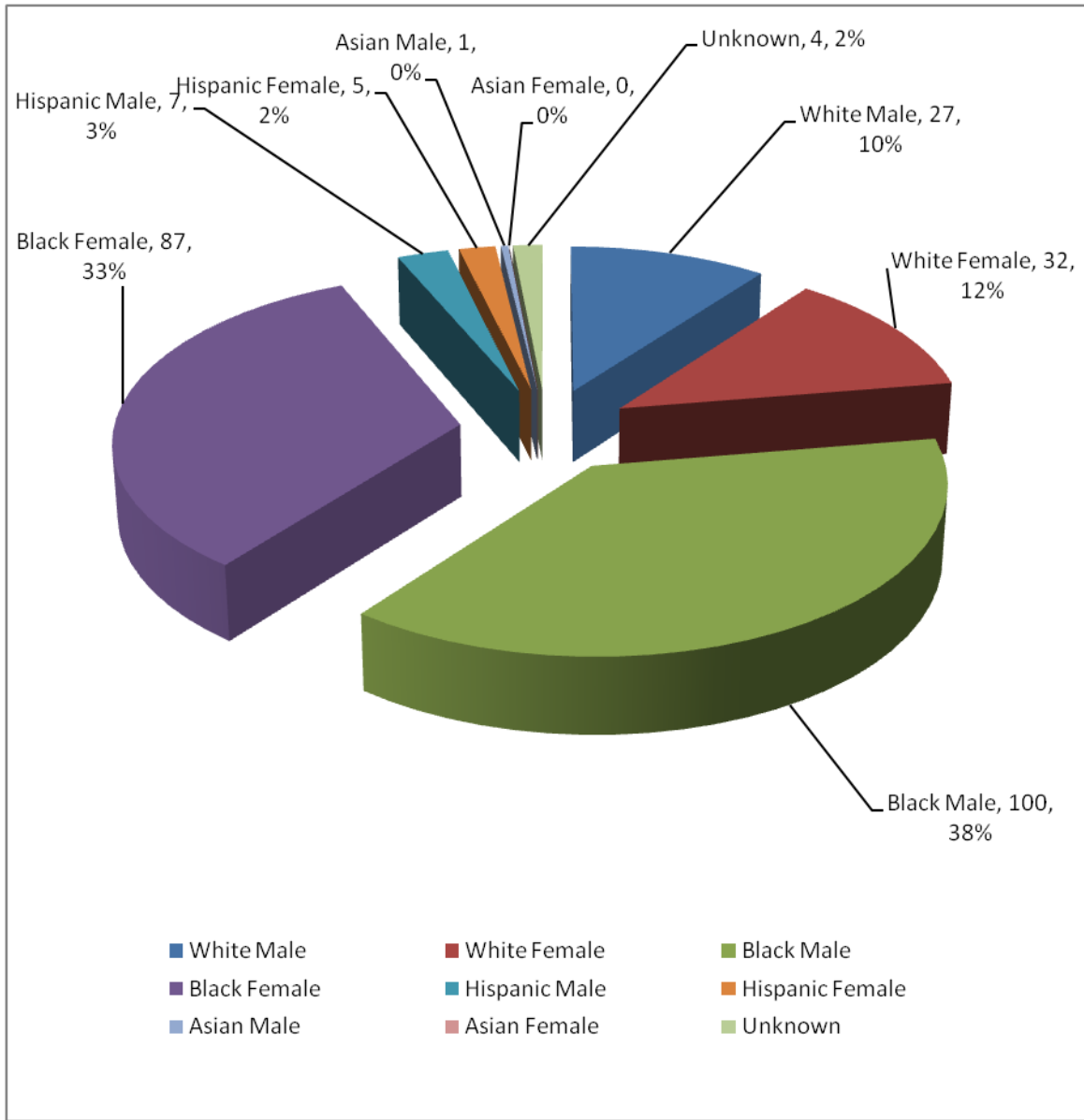
Withdrawn: The complainant did not wish to pursue the complaint.

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

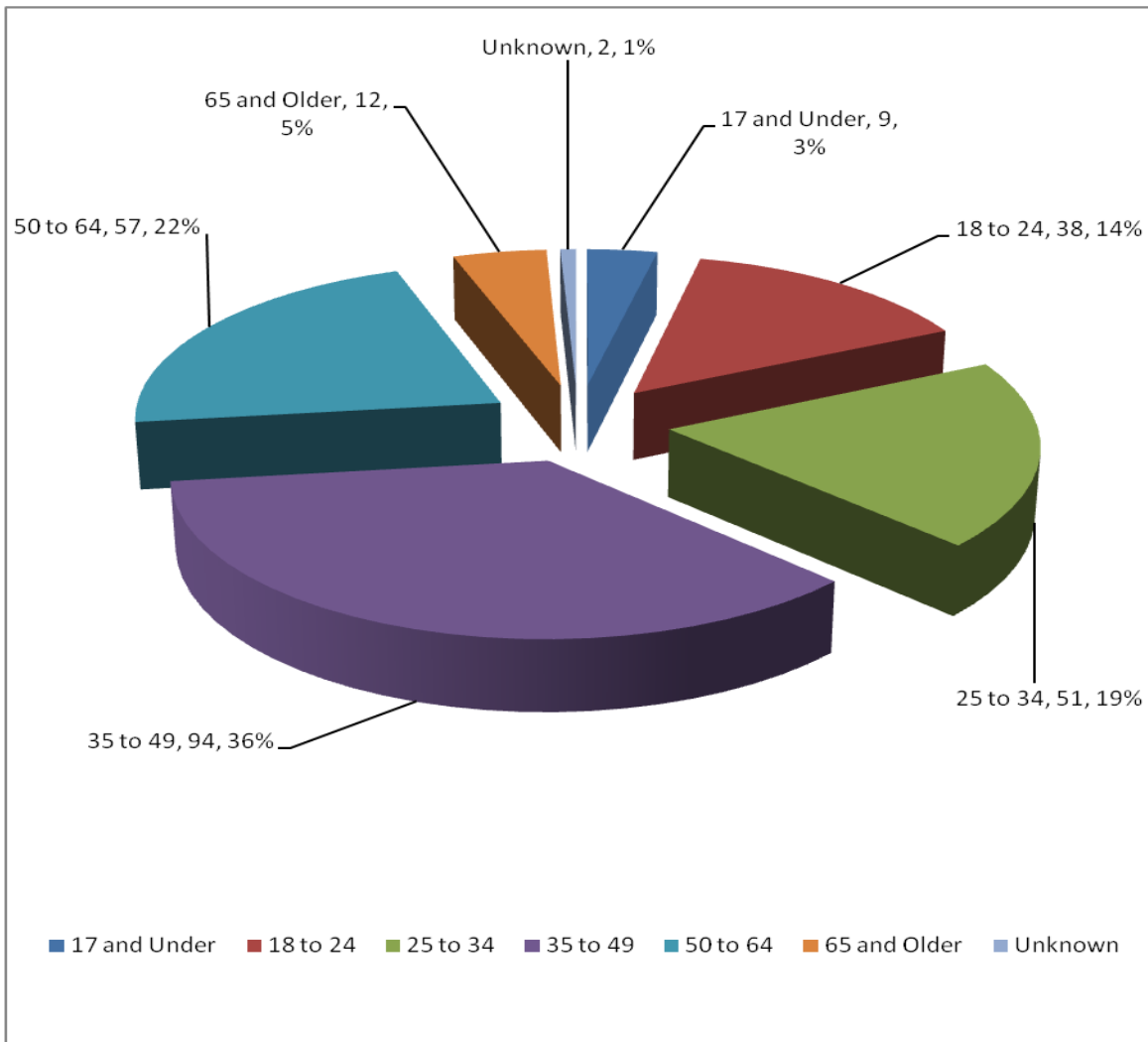


Race and Sex of Complainants by Disposition of Complaint

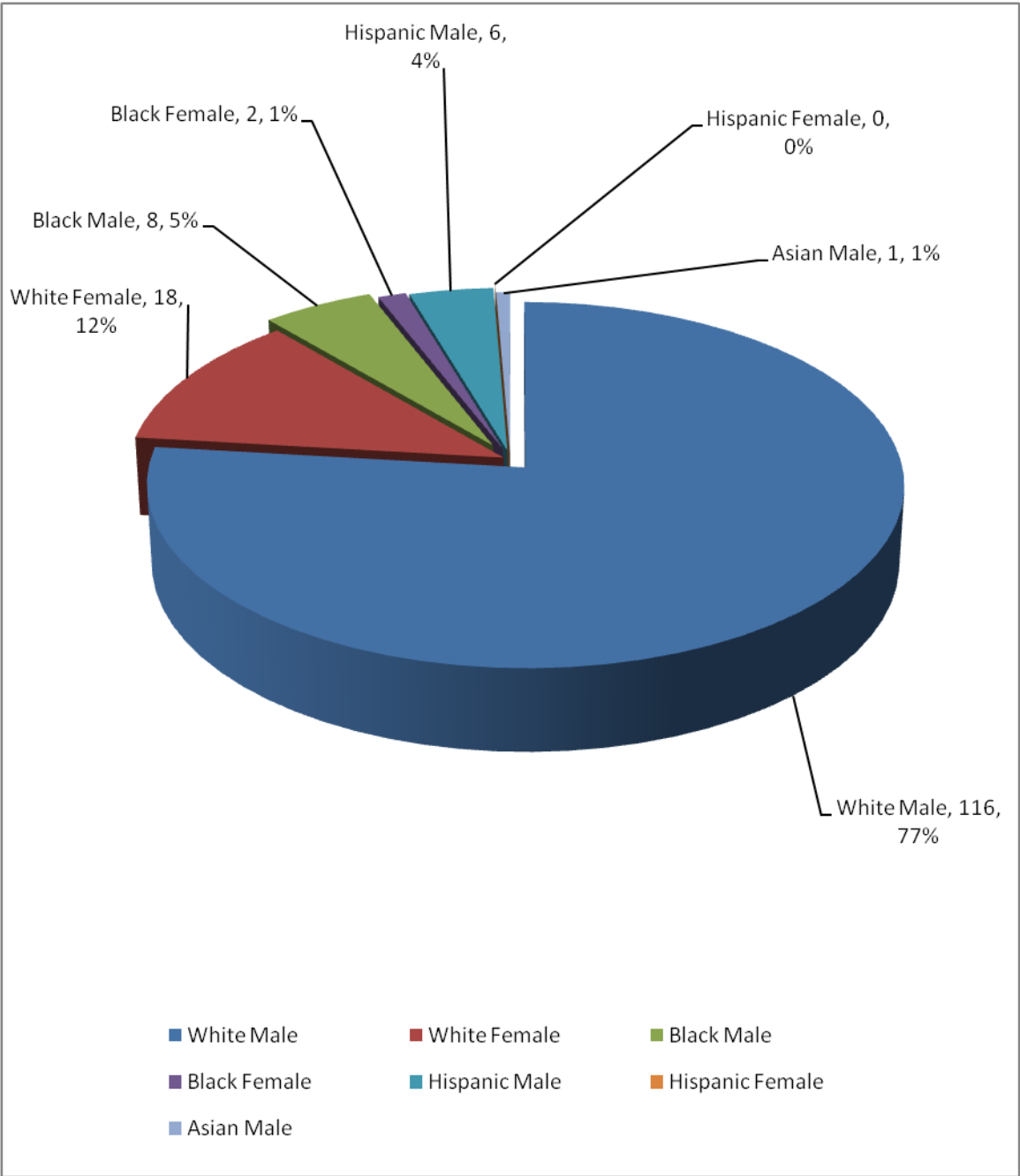
	W/M	W/F	B/M	B/F	H/M	H/F	A/M	A/F	Other
Sustained	3	3	6	4					1
Not Sustained	9	13	29	25	1		1		1
Exonerated	4	1	23	22	2	1			
Closed	9	12	15	10	1	2			1
Withdrawn			4	2					1
Non-Cooperation	2	3	23	24	3	2			
TOTAL	27	32	100	87	7	5	1	0	4

Complainants by Age

AGE GROUP	NUMBER	PERCENTAGE
17 and Under	9	3.4%
18 to 24	38	14.4%
25 to 34	51	19.4%
35 to 49	94	35.7%
50 to 64	57	21.7%
65 and Older	12	4.6%
Unknown	2	0.8%
TOTAL	263	100.0%



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



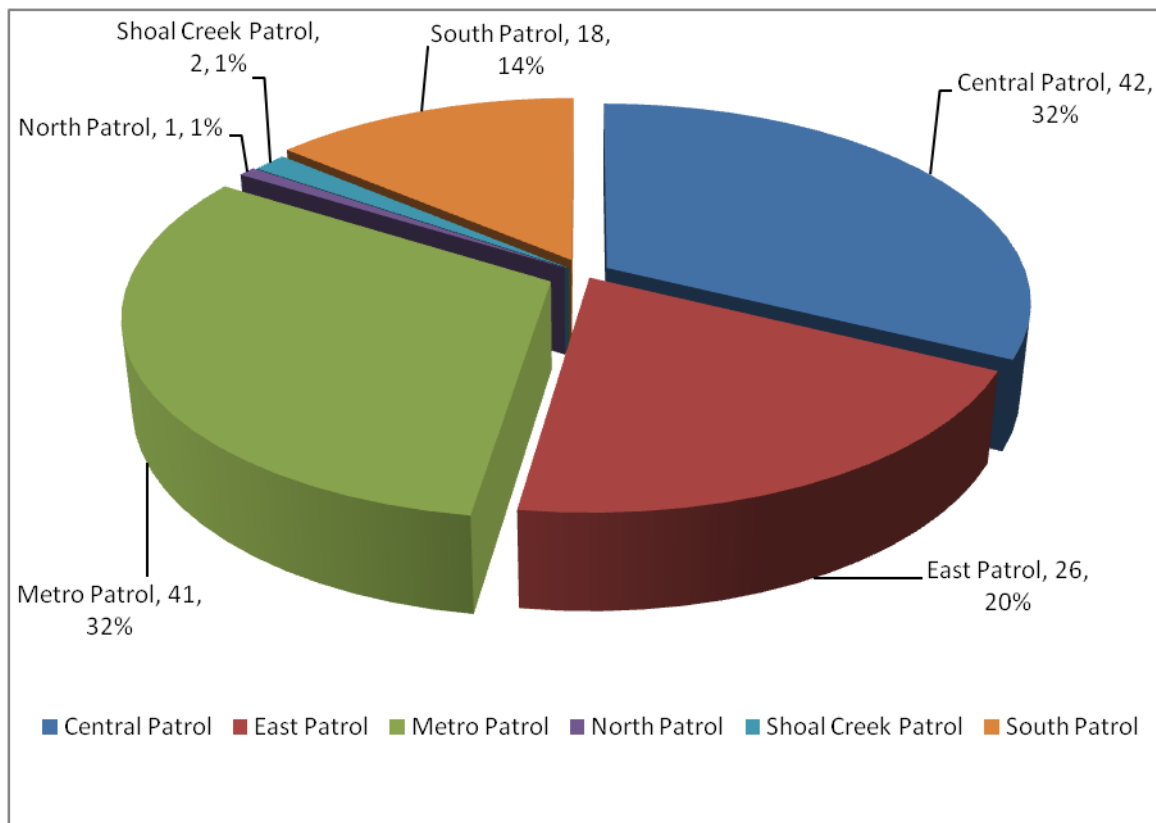
Assignment of Members Complained Against (Sustained, Not Sustained, and Exonerated Complaints Only)

By Type of Unit

Patrol	130	86.1%
Traffic and Parking Control	6	4.0%
Detention	4	2.6%
SNU/DEU (Drug Units)	0	0.0%
Other	11	7.3%
TOTAL	151	100.0%

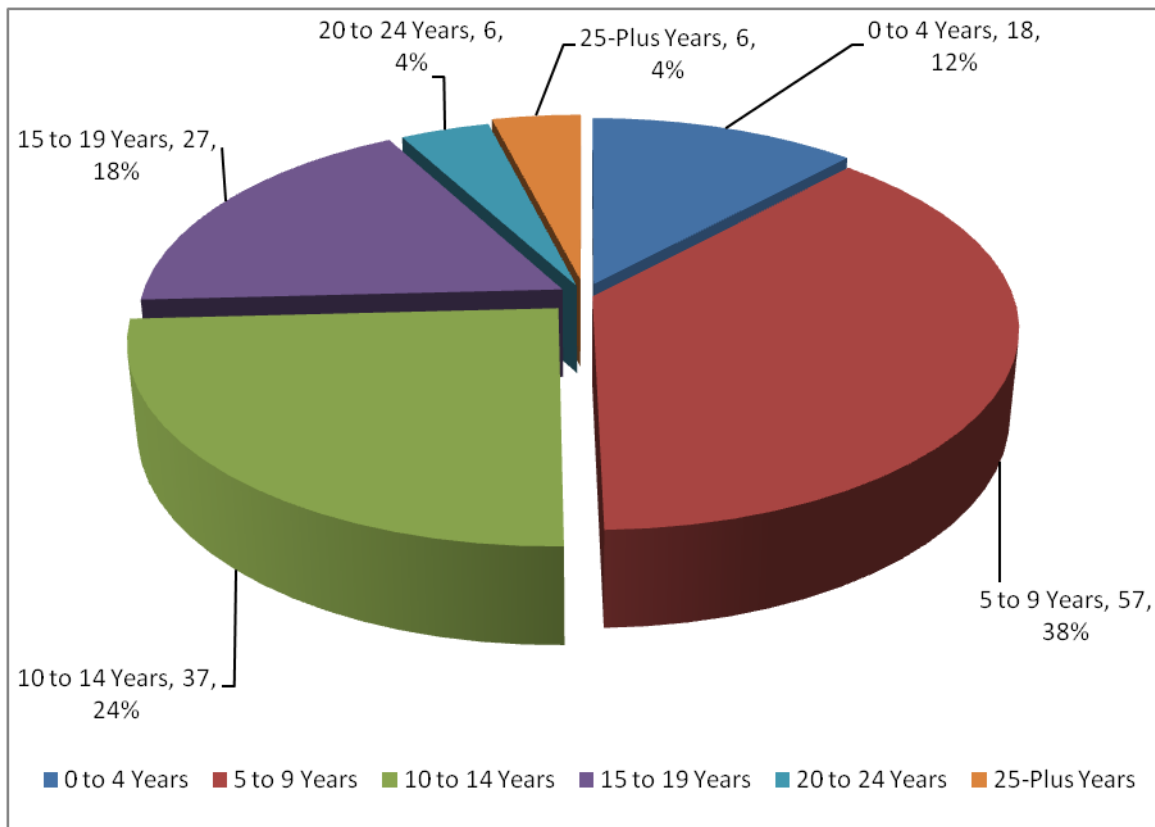
“Other” includes officers assigned to units such as Juvenile, Tactical Response Teams, Homicide, Property Crimes, and others.

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	3	3	2	1	0	0
Not Sustained	6	28	15	19	4	4
Exonerated	9	26	20	7	2	2
Total & Percentage	18 11.9%	57 37.7%	37 24.5%	27 17.9%	6 4.0%	6 4.0%





APPENDICES



APPENDIX A:
DISPOSITION
OF
COMPLAINTS
2009-2013

Disposition of Complaints 2009 through 2013

	2009	2010	2011	2012	2013
Sustained	24	10	6	14	12
Not Sustained	66	74	63	75	60
Exonerated	37	52	40	48	43
Closed	35	33	32	27	41
Withdrawn	13	5	8	8	5
Non-Cooperation	104	50	58	37	40
COMPLAINTS REVIEWED	279	224	207	209	201

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	5.9%
Not Sustained	30.2%
Exonerated	19.6%
Closed	15.0%
Withdrawn	3.5%
Non-Cooperation	25.8%



**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) 234-5000
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	Senior Legal Analyst Michael Walker	(816) 889-6646
I-P	Senior Legal Analyst Karen Williams	(816) 889-6644
Q-Z	Senior Legal Analyst Johnnie Ann Crawford	(816) 889-6645

Additionally, if you are interested in mediation, please contact:

Senior Legal Analyst Michael Walker (816) 889-6646





**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.



**APPENDIX E:
NACOLE
CODE OF
ETHICS**



The National Association for Civilian Oversight of Law Enforcement

Code of Ethics

Adopted by the Office of Community Complaints, 2011

Personal Integrity

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when significant conflict of interest arises. Do not accept gifts, gratuities, or favors that could compromise your impartiality and independence.

Independent and Thorough Oversight

Conduct investigations, audits, evaluations, and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional or political consequences.

Transparency and Confidentiality

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment

Treat all individuals with dignity and respect, and without preference or discrimination, including but not limited to the following protected classes: age, ethnicity, culture, race, disability, gender, religion, sexual orientation, socioeconomic status or political beliefs.

Outreach and Relationships with Stakeholders

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

Agency Self-Examination and Commitment to Policy Review

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

Professional Excellence

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

Primary Obligation to the Community

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.